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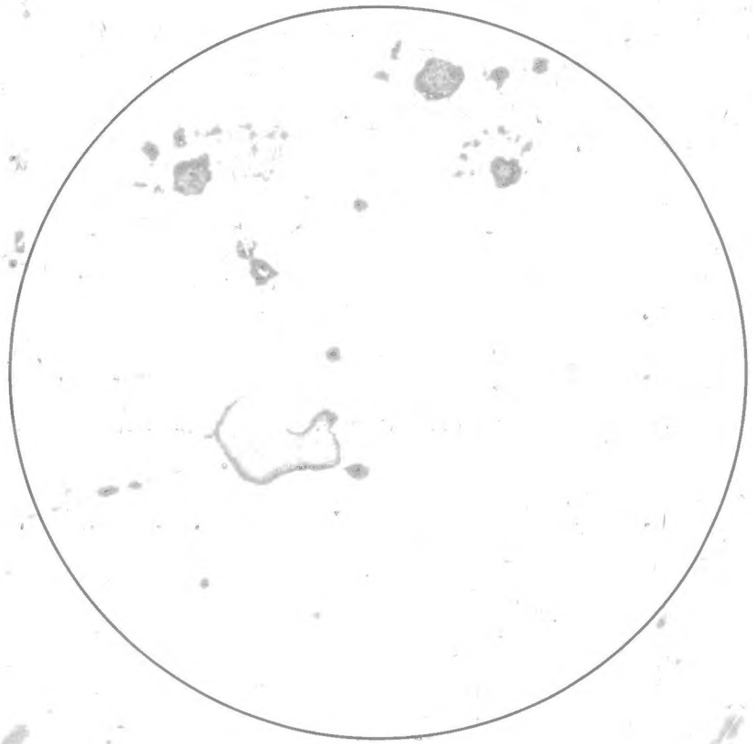

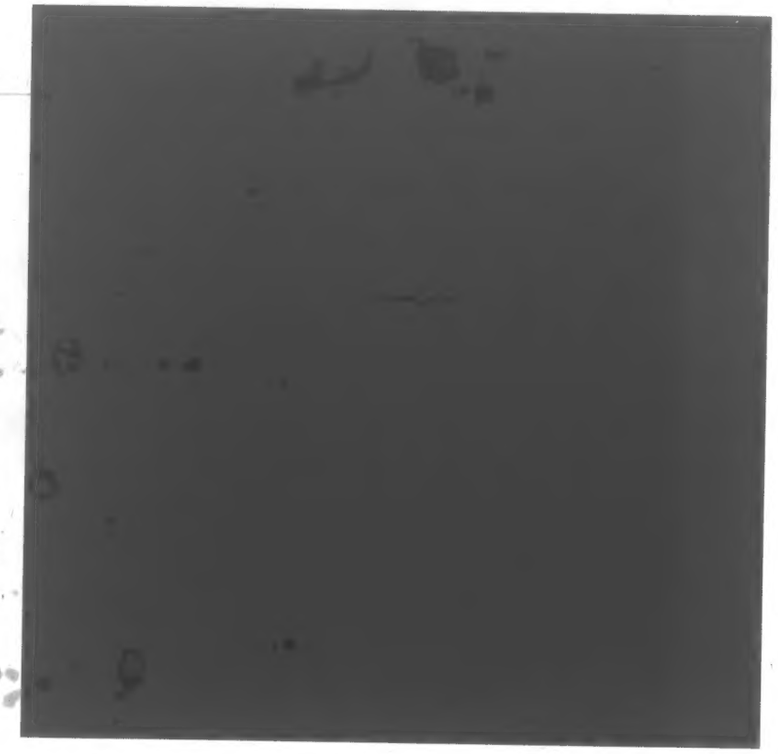

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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 388

CHEROKEE FREEDMEN R898 - R915

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
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Cher. Fr. R. 898

Trans. from C. Fr. D. 455

Cher. Fr. R. 898

C.F.D.455.

SERIES A. Act of November 5th 1892.

No 47 Cherokee Nation, Cooweescoowee District.

Permission is hereby granted J.D. Davis, a citizen of the Cherokee Nation, to employ Ed Willis as a farmer for the term of one month from this date.

"No permit shall be issued for a longer period than Dec.31, of the year in which the permit is issued.

FIFTY CENTS.

Given under my hand and seal of office, this the 1 day of July 1895

Joe M Lahay
Clerk Cooweescoowee District.

(SEAL)

Countersigned:
E.E.Starr
Treasurer Cherokee Nation.

SERIES A. Act of November 5th 1892.

No 51 Cherokee Nation, Cooweescoowee District.

Permission is hereby granted J. D. Davis, a citizen of the Cherokee Nation, to employ J.G.Courtney as a farmer for the term of one month from this date.

"No permit shall be issued for a longer period than Dec. 31, of the year in which the permit is issued.

FIFTY CENTS.

(SEAL)

Given under my hand and seal of office, this the 1 day of June 1896

Joe M Lahay
Clerk Cooweescoowee District.

Countersigned:
E.E.Starr,
Treasurer Cherokee Nation.

SERIES A. Act of November 5th 1892.

No 46 Cherokee Nation, Cooweescoowee District.

Permission is hereby granted J. D. Davis--a citizen of the Cherokee Nation, to employ Ed. Willis as a farmer for the term of one month from this date.

"No permit shall be issued for a longer period than Dec. 31, of the year in which the permit is issued.

FIFTY CENTS.

(SEAL)

Given under my hand and seal of office, this the 1 day of June 1895.

Joe M Lahay
Clerk Cooweescoowee District.

Countersigned:
E.E.Starr,
Treasurer Cherokee Nation.

C.F.D. 455.

ACT OF NOVEMBER 5, 1892.

SERIES A. NO.----------

Cherokee Nation, Cooweescoowee District,
Permission is hereby granted J. D. Davis, a citizen of the Cherokee Nation, to employ Ed Willis as a Farmer for the term of one month from this date.
"No permit shall be issued for a longer period than December 31 of the year in which the permit is issued."
Given under my hand and seal of office, this, the 1 day of Oct--1895

Joe M Lahay
(SEAL) Clerk Cooweescoowee District.
FIFTY CENTS.

Countersigned:
E. E. Starr,
Treasurer Cherokee Nation.

SERIES A. Act of November 5th 1892
No 49 Cherokee Nation, Cooweescoowee District.
Permission is hereby granted J. D. Davis, a citizen of the Cherokee Nation, to employ Aaron Gamble as a farmer for the term of one month from this date.

"No permit shall be issued for a longer period than Dec.31,
FIFTY of the year in which the permit is issued. CENTS.

(SEAL)
Given under my hand and seal of office, this the 1 day of July 1895

Joe M Lahay
Clerk Cooweescoowee District.
Countersigned:
E. E. Starr
Treasurer Cherokee Nation.

SERIES A. Act of November 5, 1892. No.----------

Cherokee Nation, Cooweescoowee District.
Permission is hereby granted J. D. Davis, a citizen of the Cherokee Nation, to employ Ed Willis as a Farmer for the term of one month from this date.
"No permit shall be issued for a longer period than December 31 of the year in which the permit is issued."

(SEAL)

Given under my hand and seal of office, this, the 1 day of Sept. 1895

Joe M Lahay
Clerk Cooweescoowee District.
Countersigned:
E. E. Starr,
Treasurer Cherokee Nation.

455

Department of the Interior
Commission to the Five Civilized Tribes.
Chelsea, I. T., May 31, 1901.

In the matter of the application of John D. Davis for the enrollment of himself as a Cherokee Freedman, and for the enrollment of his wife, Katie Davis, as a Cherokee Freedman by intermarriage; he being sworn and examined by Commissioner T. B. Needles, testified as follows: Mellette & Smith, Attorneys for Applicant.

Q What is your name? A John D. Davis.
Q What is your age, Mr. Davis? A 50 years old.
Q What is your postoffice address? A Hayden, I. T.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled by any other nation or tribe? A No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A By permits.
Q Have you ever voted? A Yes sir.
Q Is your name on the roll of 1880? A It ought to be; I don't know whether it is or not.
Q Is it on any of the rolls of the Cherokee Nation? A On the Wallace and Kerns Clifton Roll.
Q Who do you want to enroll besides yourself? A My wife.
Q What is your wife's name? A Katie Davis.
Q How old is she? A 41.
Q Is your wife a citizen? A No sir.
Q Is she a non-citizen? A Yes sir.
Q Have you any children? A No sir.
Q You just apply for yourself and wife? A Yes sir.
Q What was your wife's maiden name? A Katie George.
Q When were you married? A Married about 18 years ago.
Q Have you any certificate of marriage? A Yes sir.
Q Please present it? A (Hands paper to Commissioner)

BY EDGAR SMITH: Who is your father A.Jack Davis.
Q Is he the same Jackson Davis who applied here this afternoon for enrollment? A Yes sir.
Q How old are you? A I was born in 1851.
Q Have you any brothers and sisters? A Yes sir.
Q Give me their full names? Sarah Davis, William Davis, Lizzie Davis and Ellen Davis.
Q Your sisters are not named Davis yet are they? A No, not at present.
Q State their names as they are now? A Lizzie Grimes, and Ellen Bell and Sarah Whitmire.
Q How long did you say it was since you and your wife married?
A 18 years.
Q Did you ever marry your wife more than once? A Yes sir.
Q When did you marry her the last time? A I think it was in '94.
Q Married her in the year 1894, why did you marry her then? A So that I might comply with the law as I was required.

MR. SMITH : I desire to offer marriage certificate of second marriage. (Same having been filed.)
Q You and your wife have been living together all the time ever since you were married. A Yes sir.
Q What are these papers? A They was permits they issued me to hire white man. I couldn't work them without hiring them in the territory.
Q Who do you mean by "they"? A Cherokee Nation.

Applicant's Attorney desires to offer six permits issued to J. D. Davis by Joe M. Lahay, Clerk of Cooweescoowee District, Cherokee Nation, authorizing the said J. D. Davis to employ laborers.

Q Who was your mother? A Julia.
Q Were you born a slave? A Yes sir.
Q To whom did you belong? A I first belonged to old Bob French; then I was transferred to young Bob. He lives at Tahlequah now.
Q Were they Indians? A Young Bob was; the old man was a white man.
Q What was his wife? A She was a Cherokee.
Q Cherokee Indian? A Yes sir.
Q Where were you when the Civil War commenced? A In Flint District
Q In the Cherokee Nation? A Yes sir.
Q Did you go out of the Cherokee Nation - were you taken out?
A I went out.
Q Where did you go? A To Fort Scott.
Q When did you first return to the Cherokee Nation after going out at that time? A I came back this party of men that came down; it was in warm weather, either summer or fall, I don't know which; I remember coming back with them.
Q Well now, who did you come back with? A I remember that Sam Webber was with us at that time.
Q Who else was with you - was your father with you? A Yes sir.
Q Any of your brothers and sisters? A Yes sir.
Q Which of your brothers and sisters were with you? A I think it was William, Lizzie and Ellen.
Q Where did you come, to what point in the Cherokee Nation? A I think we came to Big Creek.
Q Are you on the Kerns Clifton Roll? A Yes sir.

COMMISSIONER NEEDLES :

The 1880 authenticated roll, the 1896 census roll examined and the names of the applicants not found thereon.

Q Are you on the Wallace Roll? A I think so.

The Kerns Clifton Roll examined and the name of the applicant is found on page 103, No. 2569, John Davis, Cooweescoowee District.
The applicant's wife not identified on said roll.
The Wallace Roll examined and the name of the applicant is found on page 110, No. 2329, J. D. Davis, Cooweescoowee District.

BY L. B. BELL : Are you the John Davis that made a speech out here yesterday or day before, about the camp here? A No sir, I never made any speech that I know of.
Q Have you been here ever since you came back here in '66? A No sir, I have been in and out, working all the time.
Q Where was you living when you married your present wife? A I was living here.
Q How long have you stayed out in Kansas? A When I married her I was living here, but I married her in Parsons.
Q Have you had a regular home here ever since 1866? A Yes sir, and before that. I was here during all of the war.
Q You didn't go out? A Yes sir, I went out, but I stayed here until I had to go out, when they had nothing to eat but hogs and no bread.

Q You went out of here in 1863, did you? A I drove the government team out of here to Fort Scott from Fort Gibson.
Q You returned here in 1866 with that crowd that come down?
A Yes sir.
Q How long did you live here then before you went back to Kansas?
A I never went back to Kansas at all; only went back and forth to work.
Q How long would you work? A I went out and worked considerable, four or five months at a time.
Q You didn't stay there 12 months or two or three years? A No sir, I was backward and forward here; father had my cattle here all the time, and I had my things put on here all the time.
BY W. W. HASTINGS: Did you come with your father here when he come after the war? A Yes sir.
Q What point did you come to first? A To Big Creek.
Q How long did you stay there? A I didn't stay there long; I don't know how long they stayed.
Q About how log did you stay? A I don't know.
Q Did you stay a week? A I stayed over that, but I don't know how long.
Q Where did you go to? A Most everywhere.
Q Where did you go from Big Creek? A I went considerable; I have been going all the time off and on.
Q Where did you first locte here?

MR. SMITH: If the Court, please, I think one consel for one case is enough. It is not permissible as a rule for more than one counsel to conduct the examination.
COM'R NEEDLES: Applicant is permitted to answer the question.

Q Where did you first locate after you came here after the war?
A We came to Big Creek.
Q How long did you stay there? A I didn't stay there long.
Q Where did you go to? A I went to Gibson at one place.
Q Did you go from Big Creek to Gibson? A I don't know that I went direct, but I went there.
Q Where did you go from Big Creek? A I don't know exactly; I know I went on to Gibson.
Q How long did you stay at Gibson? A I didn't stay there very long.
Q How long? A I can't tell.
Q About how long? A I can't tell; it has been too long.
Q What is your best judgement? A I can't come to any conclusion.
Q Who did you first work for in the Cherokee Nation after the war?
A I don't know who I worked for. I am a barber by trade. I used to shave all the men up in Vinita.
Q Where did you first commence barbering in the Cherokee Nation after the war? A I don't know where I first commenced; I barbered several places.
Q Where did you first settle down to work after the war? A Well, I don't know where I first settled. The first time I settled down to do any business was to handle stock for my father before I was able to buy. I would go and buy pigs for my father and put them down at that time.
Q Where were you living at that time? A I don't know.
Q Where was your father living? A He was living on Grand River.
Q Where was you living? A I made that my home with him.
Q What year was it? A I made it all the time ever since I come with him when I was running around.
Q Did you go back to Kansas after you came to Big Creek? A Yes sir, several times.

Q When did you come and permanently locate in the Cherokee Nation?
A '66.
Q On Big Creek? A Yes sir.
Q You stayed there two weeks? A I don't think I stayed two weeks altogether.
Q On Monday or Tuesday night you made the colored people a talk down here, and the only way for you to get justice was to go down to Snow Creek and get men and winchester rifles and clear them out, didn't you? A No sir, I do 't think I did; I try to live loyal in everywhere I live.
Q Now, Mr. Davis, we would like to know at what place you first located and began work here? A The first place I located at Big Creek.
Q You didn't stay there but two weeks? A No sir, I didn't.
Q Where was the first place you could be placed at? A The first place I tried to do business was at Grand River.
Q What year was that? A I couldn't tell you that.
Q You have no idea? A No sir.
Q You don't know how many after you were at Big Creek? A My best recollection is it was about '67 or '68.
Q Were you everout at Mr. Jim Hall's ranch? A Yes, sir well acquainted with him; he is a fine gentleman.
Q When did you come to his place first? A I don't remember.
Q You remember of coming from Kansas and going to his place? A Yes, I remember of carrying that pig on my back and took to him. I got it from Missouri.
Q How long had you been in Missouri? A I just went there to get a pig. I went a year or two after that and went and got a male steer.
Q Did you know at that time where your father lived? A I knew where he lived, but I was asking that route.
Q You admit that you went to Jim Hall's place? A Yes I admit that; I don't deny that.

BY EDGAR SMITH: They were asking something about a speech. You do make one when everyou get ready? A They do hire me once in a while.
Q But you didn't make the kind of speech that Mr. Hastings said you made? A No sir, I wouldn't be guilty of that.
Q You stated that you went from the place that you first located in '66 to Gibson? A Yes sir.
Q What do you mean by that, Fort Gibson? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q Do you remember how long after you got back here in '66 before you went down to Fort Gibson? A It wasn't very long; I went right down to Gibson after I left them there.
Q From Big Creek to Fort Gibson? A I never would stay with the old man. I would just get up and go where I please. I always done that
Q And you state this has been your home ever since you came back here?
A Yes sir.
Q And what property have you in the Cherokee Nation, have you any farm or place? A Yes sir, I have a place up on Lightning Creek.
Q How long have you had that place? A I have lived on that place I guess I have had that place about 13 years to the best of my knowledge.
Q And you didn't marry until about 18 years ago? A That was when I married 18 years ago.
Q Did you ever have any other place before you had this one that you owned 13 years? A I took up a place, and I let it run out.
Q How long has it been since you first took up a place? A It is about thirty years ago since I first took up the first place. I let it run out and Jack Landrum got that place.
Q Where did you take up that place? A Joining Maden's on Lightning Creek.

Q You have never been married before you married your present wife?
A Yes, I married once before.
Q When was that? A That was several years before I married this woman.
Q How far do you live from Chelsea? A I live eight miles north of Chelsea, I believe they call it.
Q How long have you been living there? A I think it must be about 13 years since I settled there.
Q On that place? A Yes sir.

COMMISSIONER NEEDLES: Have you been living continuously in the Cherokee Nation since you married 18 years ago? A Yes sir, I brought my wife direct there when I married her in the states. I brought her direct to my father's, and the things I bought at that time, which were not much, I brought them with me.
Q Did you ever vote in the Cherokee Nation? A Yes sir.

L. B. BELL: When did you learn the barber's trade? A I can't answer that Mr. Bell. I don't know what year. I picked it up.
Q You didn't serve apprenticeship then? A I just went into a barber shop and just went to work.
Q Where was that? A I worked several places.
Q Where did you first begin? A The first place I ever done any work at all was at Fort Scott, I think.
Q In what year? A I don't know what year.
Q How long did you follow that barber trade before you came to Vinita? A I never followed - that is come to Vinita - I don't know when I ever come to Vinita until - I never done any work in Vinita in the barber business until about '75.
Q Well, you don't recollect what year you were at Fort Scott when you began the business? A No, I don't. I never served any trade or apprenticeship to go through with the whole trade.
Q How long did you work at Fort Scott? A I been there several times.
Q How long did you work in a barber shop there the first time A I don't know.
Q Where did you go from there.? A I don't know where I went to.
Q You still worked at the barber business, did you, when you left Fort Scott? A I worked at it occasionally not all the time.

John D. Davis applies for the enrollment of himself, and his wife, Katie. He avers that his wife was a non resident, and he presents satisfactory proof of his marriage to her according to the laws of the Cherokee Nation on the 23rd day of April, 1894. Upon examination of the roll of 1880, the name of said John D. Davis is not found; he is duly identified upon the Kerns Clifton Roll and on the Wallace Pay Roll, and makes satisfactory proof as to residence. By reason of the fact that his name does not appear upon the authenticated roll of 1880, and the protest of the Cherokee Nation, the said John D. Davis will be listed for enrollment as a Cherokee Freedman upon a doubtful card; his wife Katie, will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card awaiting further consideration by the Commission. He will be notified in due course by mail when the decision of the Commission is arrived at; and reference is made herein to the testimony taken in the case of his father, Jackson Davis, who was listed for enrollment as a Cherokee Freedman on D Card No. 453, and the testimony of said case will be made a part of the record in the case at bar, and a copy of the same will be filed with the case now being taken.

Attorney Smith: What would you estimate the value of the improvements on your place to be? A Three or four thousand dollars.

6---J. D. D.

The under signed, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 3rd day of June, 1901.

(signed) T. B. Needles,
Commissioner.

--oOo--

Indorsed on back as follows:

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
F I L E D
Jun 5 1901

(signed) Tams Bixby
Acting Chairman.

-------oooooo-------

I, Lola Mann, stenographer to the Commission to the Five Civilized Tribes, hereby certify that the foregoing is a true and correct copy of the original now in file with the Commission.

Lola Mann

Subscribed and sworn to before me this 14th day of December, 1904.

Charles N. Sawyer
NOTARY PUBLIC.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 31, 1901.

In the matter of the application of Jackson Davis for the enrollment of himself and his wife, Caroline Davis, as Cherokee Freedmen: he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, Attorneys for Applicant.

Q What is your name? A Jackson Davis.
Q How old are you? A 74.
Q What is your postoffice address? A Adair.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A My wife and four or five children.
Q Have you got any children under 21 years of age? A Yes sir.
Q Unmarried? A No sir, none unmarried.
(Children will apply for themselves.)
Q What is your wife's name? A Caroline.
Q How old is she? A About 53, I believe it is.
Q Have you and your wife ever been recognized as Cherokee Freedmen?
A Well, I have been one portion.
Q Are your names on the roll of 1880? A I don't know whether it is or not.
Q Is it on any of the rolls of the Cherokee Nation? A It ought to be there; I dont know sir.
By Mr. Smith: Well, Jack, are you on the Kerns Clifton Roll? A I suppose I am.

The 1880 authenticated roll and the 1896 census roll examined and the names of the applicants not found thereon.

The Kerns Clifton Roll examined and the names of the applicants are found thereon as follows:

Page 103, No. 2567, Jack Davis, Cooweescoowee district.
Page 103, No. 2568, Carrie Davis, Cooweescoowee District.

The Wallace Roll examined and the names of the applicants are found thereon as follows:

Page 110, No. 2331, Jackson David, Delaware District.
Page 111, No. 2346, Carrie Davis, Delaware District.

By Mr. Smith: What are the names of your children, Jack? A One is named Sallie, and William, John and Ellen and Lizzie: I only got five.
Q Are the girls married? A Yes sir, they are all married.
Q Give the names now of each one of the girls? A The oldest one is named Sallie.
Q Sallie what? A Sallie Whitmire.
Q What is the next girl's name now? A Lizzie Grimes; she is a widow.
Q The next girl? A Ellen Bell.
Q What are these papers you handed me, can you read? A No sir, I can't read or write.

Attorney for Applicant desires to offer permits issued by the Cherokee Nation to the applicant for laborers.

Com'r: He presents four permits issued by the Cherokee Nation, which will be filed.

By Mr. Smith: Were you a slave during the war? A I was a slave.
Q Whom did you belong to? A A man by the name of Dr. William Davis.
Q Now was he a Cherokee Indian? A No sir, he was a white man of a Cherokee family

Q Who was his wife? A Polly Burns, I think.
Q Do you remember? A I remember, but she has been dead so long.
Q Where were you living at the time the war broke out? A Flint District.
Q With the family you speak of? A Yes sir, I was raised with them
Q Did you go out of the nation during the war? A Yes sir.
Q Where did you go? A I went to Kansas, I was with the old army
Q When did you come back to the Cherokee Nation after the war?
A I come back in '66.
Q How many children did you have then? A Had all the children that I have got now.
Q Did you bring them back with you? A Not when I first come, I didn't bring them right in; I brought them afterwards. Ifirst come myself and looked for a location and went back and got them.
Q Where did this man, Dr. Davis, you speak of, live? A He lived in Flint District.
Q Near what place? A Near Evansville.
Q Can you state what time of the year 1866 you came down? A Not exactly sir, it has been so long; I can't just exactly make a good statement of that.
Q Who did you come with? A I come with a man by the name of Mr. Webber and others.
Q What was Webber's first name? A Sam.
Q About how old do you think you are now? A I am just 74 years old last Christmas past. Christmas day was my birthday.
Q When did you and Caroline, your wife, marry? A We was together before the war, but we separated at the time of the war, and in slave time we lived together, and got together again; we were married before the war.
Q Is there anyone here who knows when Caroline came back to the Nation, do you know? A Yes sir, she was here with her mother and grandmother, here at Fort Gibson she claims; I wasn't living with her at that time.
Q Who did Caroline belong to? A A family by the name of George Whitmire.
Q Was he an Indian? A Yes sir.
Q Where did he live? A He lived down in Goingsnake District.
Q Near what place? A I couldn't tell you what place it is; what the name is; on the Baron Fork I believe it is.
Q Is your recollection as good as it used to be? A No sir, not near as good as it used to be; I don't remember; I can't keep things in my head.
Q You don't remember how old you are? A No sir, I don't remember, but we come pretty close to ~~xxx~~ it.
L. B. Bell: Where did you start from in Kansas, Jack, when you started back to the Cherokee Nation? A I started from about fifteen miles above Fort Scott.
Q Who come with you? A Samuel Webber.
Q Well, where did you come to? A We come all down to Horse Creek, and all through the territory above here.
Q Where did you finally locate? A I stopped a while out towards Big Creek and located there a while and then it didn't suit me there, I left there after so long a time, I don't know how long I stayed there; there wasn't anything to eat and I hammered around in Big Creek a while.
Q Was it three or four weeks? A Yes, I reckon it was about that time.
Q And then where did you go? A I knocked about and I had to work for something to eat; I was scarce of money, and worked around wherever I could get labor to do on one place and another.
Q When you left Big Creek where did you go? A After so long a time I was on Rock Creek and I moved to Grand river.
Q You went to the mouth of Rock Creek then? A Yes sir. I,dont

know how long; I was hard up then, and dates I couldn't keep them no how.

Q Which side of Grand river did you settle? A On the south side when I first settled there; I just rented around among them.

Q You said you went to Big Creek from the mouth of Rock Creek?

A You know I lived on the other side.

Q Where did you live at on the other side, we call it the east side on the side that Lynch's Prairie is on? A Yes, sir, on the east side.

Q Where did you live there the first year after you left Big Creek? A I lived with a man by the name of Wolf on his place, in a little house in the woods there.

Q Well then after you left Wolf, the next year where did you live?

A I stayed there two or three years with him; three I think.

Q Well, after you left Wolf where did you go? A Across the river.

Q On the place you are living now? A Yes, sir, on the place I am living now.

Q Been living there ever since? A Yes, sir

Q Never moved out and stayed five or six years? A No sir.

Q Never scouted none? A No sir, never scouted a day.

Q Didn't scout any when Finney got after you for tobacco? A No sir, didn't scout then.

Q You are pretty certain you stayed three years on the Wolf farm?

A I reckon about three years; I guess it was near three years I stayed over there. I didn't have no place, I was just renting around from those families from one and then another.

SAM WEBBER, being sworn by Commissioner Needles, and examined by Attorney Edgar Smith, testified as follows:

Q State your name? A Sam Webber.

Q What is your postoffice? A Nowata.

Q How long have you lived in the Cherokee Nation? A Ever since '66.

Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.

Q Are you on the 1880 roll? A Yes sir.

Q Do you know Jackson Davis, who is the applicant in this case?

A Yes sir.

Q How long have you known him? A I have seen him before the war, but just to know him; I never knowed him right good until the time of the war I got acquainted with him good.

Q Where did you see him before the war? A I seen him down here in the nation; he come to Big Creek.

Q You had some acquaintance with him before the war commenced?

A Yes sir, of course I was a little acquainted with him.

Q When did you first see him after the war? A In the time of the war you mean, don't you?

Q I mean when did you first see him after the war in the Cherokee Nation? A I seen him in '65; in the fall of '65.

Q Where abouts? A He come with us there to Horse Creek; my first trip to this country.

Q Was he married at that time in '65? A No sir, he wasn't married right then; he was a single man; he had his children you know.

Q Did you know his wife, Caroline? A I got acquainted with her too about that time or a little before.

Q Had you known her before the war or not? A I don't remember as I do before the war.

Q Do you know who Jack belonged to? A No sir, I don't really know who owned him.

Q Was he a slave before the war? A I suppose he was.

Q Do you know whether Caroline, his wife, was a slave or not?

A I suppose she was; I don't know.

Q I don't know whether you know or not. Do you know who she belonged to? A No sir, I don't know.

Q W[illegible] did you stay and how long did Jack Davis stay on

Horse Creek in 1865?A We stayed all night together there and I left him there; I went on to Gibson and I left him on HorseCreek, left him there with my family, old man Sam Webber.

Q Your father's name was Sam Webber also? A Yes sir.

Q When did you next see Jack Davis after you left him on Horse Creek in '65? A I seen him on Big Creek.

Q How long afterwards? A The next fall.

Q In the fall of '66? A Yes sir.

Q What family did Jack have at that time? A Just his children.

Q Can you think now how many children there were? A I dont know that I can state all of them; I can state some of them.

Q State all you can? A I can name one Sallie. French was her owner. John and Will

Q What were the names of Jack Davis' children at that time? A Sallie

Q The next one? A John and Will.

Q Do you remember any others? A There was another girl I seen, but I can't call her name; she was small.

Q About what time in 1866 was that when you saw Jack and those children? A Along late in the fall of '66 when they come where we were over there.

Q Where were they at that time? A On Big Creek in the Cherokee Nation.

Q Have you known Jack Davis ever since that time? A Yes sir.

Q Where has he been living? A He went to Grand River from there the time I saw him; he was on Grand River after that.

Q Is that in the Cherokee Nation? A Yes sir.

Q Do you know John Davis? A Yes sir.

Q Where does John Davis live? A He lives on Lightning Creek now.

Q How long has he been living there? A I don't know, I can't tell you now; he has been there a good while.

Q Give your recollection or judgment as to the number of years?

A It is pretty hard for me to do; I never noticed him particularly; he had been there a good long while on Lightning.

Q Do you know William Davis? A Yes sir.

Q Is he living or dead? A He is living on Lightning.

Q Do you know Sallie? A Yes sir, she lives on Lightning.

Q Is she married? A Yes, she is married now.

Q What is her name now? A Sallie Whitmire, Dennis Whitmire's wife

Q And what was the other one's name you mentioned a while ago?

A I couldn't tell you.

L. B. Bell: You say you left Jackson Davis late in the fall of '66 at Horse Creek to go to Gibson? A In '65.

Q Who was with him? A My father.

Q What was your father's name? A Sam Webber.

Q Where were they going? A They come down on a hunt and to look around at the country; peace was declared you know.

Q How much of a crowd was with him - you wasn't of the party, you just come across them? A We all left Kansas together.

Q Who was in the crowd? A Jesse Brown.

Q Go ahead? A John Curry.

Q Name another one? A Israel Johnson.

Q Did they have their families with them? A No sir. There was another fellow I can't think of his name?. His name is out of my mind another man.

Q Did you make any locations that fall? A No sir.

Q What became of him when you left him at Horse Creek? A I left him there. I went to Gibson and when I come back to this part of the country, I went to Verdigris, and I never seen him, and I stayed there until March, '66, he and Jesse Brown.

Q And your father? A No sir, he never got with my any more there.

Q Where did you leave him? A On Horse Creek. When we left there we went to Goodys Bluff on the river.

Q When you went to Goodys Bluff you got with Jesse Brown? A No sir.

Q Who was with you at Goodys Bluff on the hunting trip? A Jesse Brown, John Strop, Lou May, Tobe Drew and son.
Q Where there two Jesse Brown's? A No sir, only one I know.
Q You said just now you left Jesse with your daddy? A No sir, I said Jesse and I went to Gibson.
Q You and Jesse left them there? A Yes sir.
Q When did you come down here and settle? A In the fall of '66.
Q Jack wasn't with you on that trip? A No sir, he didn't come down with me on that trip. He come shortly afterwards.

ABRAHAM HARE, being sworn by Commissioner Needles, and examined by Attorney Edgar Smith, testified as follows:
Q State your name? A Abraham Hare.
Q What is your postoffice? A Wimer.
Q How long have you lived where you live now? A Well, about thirty years, maybe longer.
Q Are you a Cherokee Freedman? A Yes sir.
Q Do you know Jackson Davis? A Yes sir.
Q How long have you known Jack? A I have known him ever since he was a boy.
Q Did you know him before the war? A Yes sir.
Q Where was Jack then when you knew him before the war? A Way down here about east of Tahlequah, as nigh as I can come at it.
(Cherokee Attorney, L. B. Bell, states that; "It is conceded that he is a Cherokee Freedman!")
Q Did you go out of the Cherokee Nation during the war? A No sir.
Q When did you first see Jack Davis in the Cherokee Nation after the war? A Well, as nigh as I can come at it, it was '66, I guess; I met Chief Ross going to Washington, and we were coming in then.
Q Where did you see Jack then? A He was in the crowd with us.
Q What place? A At Neosho River, coming down.
Q Where did you go to? A We come down to Big Creek; part of us went to Big Creek and part went on to Gibson.
Q How many children did Jack have - what were their names? I remember some of the boys.
Q Who were they? A John and Will; they were small boys then.
Q Did he have some girls? A I don't remember. I think he did though.
Q Where did you make your location? A On Big Creek.
Q Have you been living in that neighborhood ever since? A No sir, pretty nigh it though. I lived down on Grand River about three years.
Q Have you known Jack Davis ever since that time? A Yes sir.
Q Where has he been living? A He has been down on Grand river part of the time and part of the time on Big Creek. He left Big Creek and went to Grand river.
L. B. Bell: What time of the year was it you met Chief Ross?
A In '66.
Q That was the year, but what time was it? A In the fall. I think it was in the fall: it was warm weather; summer. I called it fall.
Q It was along in the summer or fall, was it? A Yes sir.
Q Chief Ross, you mean old John Ross? A Yes sir.

Commissioner Needles: Jackson Davis applies for the enrollment of himself and his wife, Caroline. Upon examination of the rolls of 1880 his name cannot be found thereon. He and his wife are both duly identified on the Kerns Clifton Roll and the Wallace Roll according to page and number of the said

rolls as indicated in the testimony, and makes satisfactory proof as to residence. By reason of the fact that their names are not found upon the authenticated roll of 1880, and the further fact that their enrollment is protested by the Cherokee Nation, the said Jackson Davis and his wife, Caroline, will be listed for enrollment as Cherokee Freedmen on a doubtful card awaiting further consideration of the Commission. They will be notified of the decision of the Commission when rendered by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. G. Rothenberger.

Subscribed and sworn to before me this 3rd day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 31st, 1901.

Supplemental Testimony in the matter of the enrollment of Jackson Davis as a Cherokee Freedman.

CARRIE DAVIS, being first duly sworn, by Commissioner T. B. Needles, testified as follows:

Appearances:
Mr. Smith, of Firm of Mellette & Smith, Attorneys for Applicants.
Mr. L. B. Bell, Cherokee Representative:

Examination by Mr. Smith:

Q State your name? A Carrie Davis now; I used to be Carrie Whitmire.
Q Is Jack Davis your husband? A Yes, sir.
Q How old are you? A I am 64 years old.
Q Were you a slave during the war? A Yes, sir.
Q To whom did you belong? A Belonged to George Whitmire.
Q Was George Whitmire an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Where did he live before the war? A Down in Going Snake on the Barren Fork.
Q Were you out there when the war came up? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war?
A Yes, sir.
Q When did you come back? A '66.
Q Where did you come to? A Fort Gibson.
Q Now, where have you been living since? A I was, since I have been living on Grand river, 33 years.
Q Been living on Grand river 33 years? A Yes, sir.
Q Now, you dont know of your own personal knowledge what time Jack Davis got back? A No, sir: I don't know just when he got back, I know where I found him.

By L. B. Bell:

Q WHO was it you belonged to? A George Whitmire.

Q Where did you go when you went out? A I went to Fort Scott.
Q You went up to Kansas too? A Yes, sir.
Q When did you return? A I returned in the summer of '66.
Q Who come with you? A My old step-grandfather and Henry Herrill and another man by the name of Murray.
Q Henry Herrill? A Yes, sir.
Q Who was your grandfather? A Old uncle Daniel Sanders.
Q He is dead now? A Yes, sir, and my grandmother.
Q Your grandmother is dead isn't she? A Yes, sir, Tempa Sanders.
Q Is Anybody alive that come with you? A No, sir, but my brothers and sisters; my brothers lives at Gibson they come from the south.
Q What was their names? A Betsy Whitmire was my mother.
Q Is she alive? A No, sir, she is dead.
Q Now, who was down there at Gibson when you first got there?
A The first one I saw was Solomon Forester and his wife, Elizabeth Forester; I went to their house; that is where the first house I went to was Forester.
Q Did you know a woman that was down there by the name of Amanda Forester? A Yes, sir, I did.
Q Did you see anything of her when you went there? A Yes, sir; I saw her.
Q In '66; she was living there in '66? A Yes, sir, I was right there at her house.
Q Where did you start from when you started from Kansas?
A I started from Fort Scott.
Q That is where you were living? A That is where I was.
Q About how many with you in that crowd? A Four or five with me; I was down on the old Military road.
Q You come down the old Military road did you?
A Yes, sir, right by where you used to live.

By Mr. Smith:

Q How long have you and Jack Davis been living together as man and wife? A Well I must got with him; it must have been in '69 I think, or '68, I don't know which.
Q You and he had been married in war times? A No, sir, I wasn't married before the war, but I knowed him.
Q When were you married? A We married it must have been in '69 or '68, I don't know which, one of them I was married to him.
Q These children then are not your children? A No, sir; they are my stepchildren.
Q You are looking out now for yourself? A Yes, sir, I was looking then for these.

By Mr. Bell:

Q Were you with Jack when you stayed there at the mouth of Rock Creek? A Yes, sir, I was with him then, but I hadn't been with him long.
Q You were with him a year or two? A Yes, sir, I found him up on Big Creek, all my people was living down there, Johnson Whitmire people, there was two brothers of the Whitmires.
Q You and him didn't marry since you found him on Big Creek?
A Yes, sir, and then we moved to Grand river.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 31 1901

(Extract from testimony introduced by applicant, Caroline Davis, June 1st, 1902.)

Supplemental testimony.
P. D-#153.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1st, 1901

Supplemental Testimony in the matter of the enrollment of Caroline Davis as a Cherokee Freedman.

LEWIS WHITMIRE, being first duly sworn by Commissioner T. B. Needles, testified as follows:

Appearances:
Mr. Smith, of Firm of Mellette & Smith, Attorneys for Applicants:
L. B. Bell, Cherokee Representative:

Examination by Mr. Smith:

* * * * * * * * *

(Note: Portion of witness's testimony omitted, as not affecting rights of applicant, Jackson Davis, or his children by his former wife.)

Q Mr. Whitmire, do you know Jack Davis? A Yes, sir; I know Jack Davis well.
Q Do you know John Davis? A Yes, sir.
Q William? A Yes, sir.
Q Sallie? A Yes, sir.
Q And what others are there? A Ellen, and then they has got two children that I haven't seen for quite a while and I disremember their names.
Q Do you know the mother of those children? A Yes, sir, I recollect her well.
Q What was her name? A Julia.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Bob French's wife.
Q Was Bob French's wife a Cherokee citizen? A She was called that.
Q Where was this woman, Julia, at the time the war broke out?
A She was dead if I don't make a mistake.
Q Well, whose slaves were John and William and these other children you have mentioned, what family did they belong to?
A They belonged to the French family.
Q Do you know where they were when the war broke out?
A No, sir, I don't know where they went when the war broke out.
Q Did you know of your own knowledge when they came back?
A No, sir, I didn't.

* * * * * * * * * * *

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reporeded the testimony and proceedings in this case, and that the fore-

going is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, T. B. Needles,
Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
JUN 31 1901
RECEIVED

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

Bruce C. Jones

Sworn to and subscribed before me this 27th of August, 1901.

Commissioner.

Pk
7H 455

Supl.C.F.-D.#453. File with case of John D. Davis,
C. F. - D.#455.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 11th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Jackson Davis as a Cherokee Freedman, introduced on part of Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Mellette & Smith, for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

THOMAS HAMILTON, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Thomas Hamilton.
Q Where do you live, Mr. Hamilton? A Mapleton, Kansas.
Q How old are you? A 73.
Q How long have you livedat or near Mapleton, Kansas? A Since '57.
Q What business do you follow, Mr. Hamilton? A I usedto be a farmer, I don't do anything now for a nukber of years.
Q Did you, while you were living at Mapleton or in that vicinity, become acuainted with a colored man by the name of Davis? A I did.
Q What was his first name? A Jack, we used to call him.
Q Did you know any of his family? A I knowed John and William and he had two gals, but I forget their names.
Q Where were you living when you first got acquainted with him, Mr. Hamilton? A At Mapleton.
Q About when did you first get acauainted with him? A I think it must have been sometime in '63, I would not be positive.
Q Well, after you got acquainted did he work near you after that any? A He worked for my wife, I was working in the government shop and he worked for her.
Q Now, did you leave Mapleton and go away to any place after that? A I worked in the shop after I got acquainted with him and then I left and went to Fort Smith.
Q Fort Smith, Arkansas? A Yes, sir.
Q About how long were you gone to Fort Smith, Arkansas? A Well, maybe three months, I don't remember, it was not long.
Q When you came back where was Jackson Davis if you know? A I think he was working for my wife when I got back.
Q Do you know whether he farmed any while he was living up in that country? A Yes, I know he farmed.
Q Well, what years did he make crops up there, Mr. Hamilton? A I think he must have made a crop in '66, '67 '68 and he might not have done it in '68, he made two crops.
Q Made two crips did he? A Yes, sir.
Q Well, did you know his wife? A I wasn't acquainted with her, but I have seen her. They lived about two or three miles and a half from where I lived.
Q After you became acquainted with him did he go off and come back with a wife? A Yes sir, he went off and brought a woman there, when he come he had one woman there.
Q Did his family, these boys and girls, did they leave when he did? A What?
Q When did he move away from that vicinity there, from Mapleton? A He lived there three or four milesfrom me, three or four years.
Q Now, you said he made crops in '66, '67 and '8, now with reference to these cro ps when did he move away? A He went away pretty soon.
Q Did his girls or boys go away with them? A The girls I knew very little about and well, the youngest boy I never seen him mubh after I went home, only saw him before I come home, I seen John some.
Q Was John there up to the time his father left, or did he leave first, or do you know? A I don't really know, I seen John a number of years afterwards in Fort Scott.
Q Do you know whether he was living there or not? A No, sir, he was running a barber shop, he told me.

MR. MULLETTE: Well, Mr. Hamilton, Jack Davis came to the Territory right here after the war, or soon after the war? A Well, that is my way of thinking that he made two crops up there, I think in '66, he come down here and got a woman and brought up there.
Q well, Jack Davis did come to the Territory in 1866? A I think he come down here in 1866 and got a woman and brought her up there.
Q How long did he stay down here when he came in 1866? A He didn't stay a great while, shortly after that he put the crop in and come and got the woman and went back.
Q Are you certain that is '66 or '65? A That was '66.
Q where did he make a crop you say in 1866? A He made a crop on Larks Creek.
Q Isn't that the last crop he made? A No, sir, I think not.
Q Now, how long ago has that been? A It was '66 and '67.
Q That has been about 36 years ago? A Yes, sir.
Q When did you have you attention first called to this matter?
A Until they come up here and examined here.
Q when was that? A About a month ago.
Q Now, Mr. Hamilton, do youpretend to say that you can remember a man made a crop at a certain place 36 years ago?
A What makes me remember it; I could not swear pasitively only just my memory lead me to that conclusion.
Q You know that he did come to the Cherokee Nation in 1866?
A Yes, sir.
Q Wasn't he back and forth frequently at that time? A I don't think he was.
Q Did you watch him all the time? A No, sir.
Q When did you move Mapleton? A I moved there in '65.
Q You didn't pay a great deal of attention to what Jack pavis was doing about the time? A Not a great deal, only just as I would see him.
Q How far is it from here to Mapleton, Kansas? A About 120 miles
Q How far is it from Mapleton, Kansas, to the Cherokee line?
A I don't know, it must be something nigh eighty or ninety miles.
Q It didn't take long to go from Mapleton, Kansas, down to the Cherokee line and Cherokee line to Mapleton, Kansas? A No, sir, not very long.
Q Well, when he finally left there , whether it was '66 or not, you understand he came to the Cherokee Nation? A That was my understanding, he was the first man to my country to come down here.
Q He was the first man out of your country to come to the Cherokee Nation? A Yes, sir, he was to my knowledge.

Com'r Needles: This testimony will be filed with the testimony in the original case of the applicant, and will be made part of the record in Freedmen doubtful cases #454, #455, #456, and #457.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 18th, 1901.

J. O. Rosson

Commissioner.

File with John D. Davis, C. T. D. 455.

File with

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 14th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jackson Davis, C. T. D. 453.

Appearances:
James S. Davenport for the Cherokee Nation
Mellette & Smith for the applicant.

Mrs. Elizabeth Jane Morris being first duly sworn by Com'r T.B. Needles, testified as follows for the Cherokee Nation:

(By Davenport)

Q What is your name? A Mrs. Elizabeth Jane Morris.
Q Where did you live? A In Linn County Kansas.
Q What is your post office? A Mapleton.
Q How old are you? A I was 66 on the 9th day of last March.
Q Did you ever live at Fort Scott, Kansas? A 30 miles from there is as near as I have ever lived.
Q When did you move into that locality? A In 1862, in December, where we live now.
Q Have you lived there ever since? A Yes sir.
Q Did you get acquainted with a family of colored people named Davis? A Yes sir, Jack Davis.
Q Do you know his family? A Yes sir.
Q Give their names? A The oldest daughter ,her name was Sallie Bean,she was married, next oldest John, a son, third one was named William, and the fourth was a girl, her name was Lizzie, I dont know as I am correct as to the youngest one, Ellen I think.
Q When did you get acquainted with Jackson Davis' family? A Well in '65.
Q How far did they live from you at that time? A When I first got acquainted with he he was backwards and forwards,but he located in about one mile of where I live, on a man's farm named Jim Morris.
Q What year was that? A '66.
Q How long did he live there? A Until he moved to the Territory.
Q How long was that about? A Well I cant exactly say, if he left in the spring or fall; I am certain that he was there until the fall of '67, he moved away in '67, that is if he left in the fall but if he staid until spring then he left in the spring of '68.
Q You lived within a mile of him? A Yes sir.

(By Smith)

Q What is your name, did you say? A Elizabeth Jane Morris.
Q What is your post office? A Mapleton, Kansas.
Q You dont know whether the Jackson Davis you are talking about is the same man who has applied here to be enrolled do you? A I dont understand you.
QI say, you dont know whether or not the Jackson Davis you are talking about, the one you knew up there in Kansas in '66 was the same Jackson Davis who has applied here for enrollment as a freedman do you? A I dont know who has applied,but I heard that he was down here.
Q But you dont know if it is the same man who applied here? A It must be.
Q Do you know it? A No more than by recommendation, he came here, I am speaking about the man that lived in my neighborhood.
Q That is the same one I am asking you about, is that the same one who has applied here? A I dont know that, of course.
Q Then you don't tho that he is the same man who has applied here? A No sir.
Q Where were you when the war commenced? A I was living at Mound City
Q Kansas? A Yes sir.
Q Were you a slave? A I once was a slave.
Q Were you a slave when the war commenced? A No sir I got my freedom in '57.

How many years was that before the war commenced? A The war really commenced in '61.
Q What time in '61? A I dont know exactly as to that, summer or fall.
Q When did it close? A In 1865'
Q What time of the year? A I cant tell you exactly, in the fall as nearly as I remember.
Q Where were you when the war closed? A Living on the place where I reside now.
Q Do you live on a farm? A Yes sir.
Q What year is this? A What year is this, this is Nineteen-One or one hundred and one aint it?
Q What is it? A 101 aint it? I am not much of a scholar.
Q In 1866 where were you living? A Right where I reside now.
Q Do you know the difference between '66 and any other year or do you know simply that you have been living where you are now since the close of the war? A I know I have been living where I am living now since the war closed.
Q And that you were living there when the war closed? A Yes sir.
Q Do you know now what happened in 1868? A Several things happened in 1868.
Q Well what? A Wasn't there a great race for nominating a President at that time?
Q I am asking you what took place then—do you know who was nominated then? A '68 you say?
Q Yes. A I can't say, I can call the Presidents over, some of them.
Q Can you tell me who was nominated in 1868? A In '68 , wasn't this President that was assinated, wasn't he nominated.
Q Who was that, Lincoln? A No sir.
Q Garfield? A I can't remember the different Presidents.
Q Wasn't that the one who was assinated who was nominated in '68? A No, sir, must have been further back than that.
Q The truth about it is, you dont know when Jackson Davis left Kansas if he was ever there? A He was living there in '66 and '7 and left there in '67 or '8.
Q How do you know that? A By the birth of one of my children.
Q When did you first have your attention called to when Jackson Davis lived up there? A There was a gentleman there inquiring of me about what I knowed about it.
Q Who was it? A I dont know, never asked him his name.
Q When was that? A One day last week.
Q Had you ever thought anything about Jackson Davis living there until this gentleman came there and inquired of you about it? A Yes sir I had it perfect when he came there.
Q How did you keep it in your mind all this time? A Because I never forgot it, they was old neighbors and I often heard from him since they left, they had often worked for us, this Mr. Davis.
Q You dont know what time of the year he left there? A To be exact I wouldn't say, but he left there either in the spring or fall, he might have left in the spring of '68, but I think it was in the fall of '67.
Q You think he left there either in the spring or fall but you are not positive which? A Yes sir, one or the other, I would not be positive.
Q You think he was there in '66 and '7 if you are not mistaken? A I am not mistaken about that, he was there then.
Q How many children have you living now? A Two, this was my oldest son that I was speaking about, his birth was put down in the bible, he was born in '66, and I know Davis' wife was visiting me and had him in her lap when he was at the breast, and when they left there he could walk because I led him when we went to say good bye, of course he could not walk all the way.
Q What time was your sone born, what part of the year? A June 4th '66.
Q Who put it in the bible? A One of my neighbors, a Mr. Brimhorn,
Q Where is he now ? A He is dead.
Q Where is the bible? A It is at home but the man that authorized me

here took it from the bible on a sheet of paper, he has it.
Q How did he happen to take it from the bible? A I showed him.
Q Did he tell you what he would like to have you swear? A No sir, he said he wanted the truth as near as I could give it about when Mr. Davis was living there.
Q Did you get a subpoena? A I dont know nothing about no subpoena.
Q You just come down here of your own accord? A I was authorized to come here by that gentleman;I was told that he was a United States Deputy.
Q What did he say about it? A He said he wanted to know as near as could be about when Mr. Davis left up there.
Q He didn't tell you he was a United States officer, did he? A No sir,I was told that he was.
Q When did you first get acquainted with Jack Davis? A Must have been in '65.
Q Where was he living then? A Up there near Linn County.
Q What was he doing? A Working around.
Q Married or single? A No sir he married after that.
Q When? A In 1866.
Q Where? A I guess at Fort Scott.
Q Do you know? A I wasn't at the wedding,but I heard that was where h married.
Q Then he was away from Linn County in '66? A No sir he was there all the time where he lived in '66
Q All the time? Mostly.
Q Well how much of the time was he away?A I dont know--in '65 was when I got acquainted with him---
Q Well you say he married in '66? A Yes sir'
Q He was away from Linn County then? A No sir, he was in the draft in '66 if you know what that is.
Q Where was Jackson Davis in the year 1866, can you tell me plainly? A He was on that farm there.
Q You say him yourself? A Yes sir.
Q You didn't see him all the time in '66 did you? A No sir, but he was cropping there then.
Q You say he married in '66? A Yes sir.
Q How long was he away when he married? A He wasn't away from there any time then.
Q Where did he marry? A Fort Scott, Bourbon County.
Q Well then if he went to Fort Scott to marry he was away from Linn county some wasn't he? A He never lived in Linn county, he always lived in Bourbon.
Q Where were you living? A Linn county.
Q Well that was where you were living when you knew him wasn't it? A Yes sir.
Q Well then how could he marry some one in Bourbon county and not leave Linn County to do it? A He never lived in Linn he lived in Bourbon.
Q Do Linn and Bourbon counties join? A Yes sir.
Q Do you live close to the line? A Yes sir.
Q How far from Fort Scott? A 20 miles.
Q You dont know where he really did marry? A I was told he was married in Scott.
Q But of your own knowledge you dont know? A No sir.
Q When did he bring his wife to the place you are talking about? A In '66.
Q What time of the year? A In the spring or summer.
Q How long did he stay there at that place after he brought his wife there? A Until he moved to the Territory.
Q How long was that? A You ought to know how long from '66 to '67 is.
Q You are on the stand now, how long was it? A It was going on two years

and as I tell you, I can't say exactly if he left in the fall of '67 or staid until the spring of '68.
Q You never thought of this matter until that man came there to see you; you never before that took your bible down to see the date before that time did you? A I didn't have no cause to , there was no use to get the bible down to see.
(By Davenport)
Q Did Jack Davis farm there? A Yes sir.
(By the Commission)
Q You say he might have left there in the fall of '67? A Yes sir,if he left there in the fall he left in '67 and if he left in the spring it was in '68.
Q Do you positively state that Jack Davis didn't come to the Territory in the year '66? A I cant tell you anything about that.
Q He might have come to the Territory in '66 and then come back there and you not know it mightn't he? A Yes sir, but he never moved here, he might have came on a visit.
Q He might have come on business too? A Yes.
(By Smith)
Q Do you know a man named Hamilton in that neighborhood? A Yes sir I have been knowing him by name for years, I never knew knew him well.
Q He was living there in '66? A Yes sir, in Bourbon county.
Q Is he the same man who has been here to testify in this case? A Yes sir he told me he had been here twice.
Q Dont you know that Jack Davis was here in the Cherokee Nation in '66, and dont you know that the time you say you saw him there in January he had just brought his wife and children back there? A No sir.
Q When did he marry? A In '66.
Q Where were these children? A They was there and he kept house with them long before he brought this woman who is his wife now.
Q You dont know where he brought this woman from? A She lived in Fort Scott I tell you; she had been in that part of the country where I live a number of times before Davis married here; she had acquaintances there and used to come to see them, used to come and see the Foremans and others there, and had been in my house before she married him.
Q What place did Davis live on then? A The Jim Morris place, he is dead, but his son in law is there yet.
Q His son in law is still living is he? A Yes sir.
Q Is his wife living? A His second wife is living, his first wife is dead.
Q Do you know when Jack Davis went there to live on that place? A Seems to me he went there in '65.
Q What time of the year? A I cant tell you that.
Q Did he live on any other place besides that? A I cant tell you that.
Q From the time you got acquainted with him,did he live on any other place? A No sir,not as I know.
Q How long did he live on that place? A '66 and '67 .
Q How far does hhis Mr. Hamilton live from you? A 20 miles.
Q For the purpose of refreshing your memory, if Hamilton says Jack Davis came to the Cherokee Nation in '66, is that correct or incorrect? A I cant tell you anything about that .

CHARLES CREIGHTON,being first duly sworn by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation,
(By Davenport)
Q What is your name? A Charles Creighton.
Q How old are you? A I am 80 years old the 20th of September past.
Q What is your post office address? A Mapleton,Kansas.
Q How long have you lived in the neighborhood of Mapleton? A Ever since I came here here about 36 years ago,I think.
Q When did you come to that neighborhood? A In November,time of the election, the 5th or 6th of November,I know that they was carrying on the election, You all know when that is.

Q What time, with reference to the close of the war? A Next fall after.
Q Since you have been living there did you become acquainted with a colored man name Jack Davis? A Yes sir.
Q Do you know his family? A I saw one boy, I have been to his house but have never been in it.
Q Do you know what place he lived on? A The Jim Morris place, he is dead now.
Q That year was that he lived there? A That was in '66.
Q How far did you live from this Morris place? A One mile northwest of it
Q How long did you continue to live there? A Ever since I came there.
Q How long did Jack Davis live on this place? A I cant exactly tell that --he was there---it was in the spring of '67 that I saw him,it was the time of corn planting.
Q You went there when? A '66.
Q What fixes that date on your mind? A I have a deed,it was on the 15th day of November '66--I was about a week here when I got that deed.
(Hands deed to attorney)
Q Do you know if Jack Davis was farming on that place? A I dont know,I cant tell you, I never was there but the once, the year I came there or the year after, I dont know which .
Q You saw him there after this deed was executed to you? A Yes sir. I wouldn't know him if I would see him now; he was a kind of yellow fellow then,I dont know if he is yet.
Q You moved on the place that you bought did you? A Yes sir,I was off about ten months, I will tell you how that came—
Q We dont care anything about that---did you live on the place that this deed was given for after you bought it? A Yes sir.
Q And Jack Davis was living on this Morris place that year? A Yes sir
(By Smith)
Q What did you say your name was? A Charles Creighton.
Q What is your post office now? A Mapleton Kansas.
Q Where were you from to that country? A I came from Illinois.
Q You had been there a week when you got this deed? A Only a week,or maybe two weeks.
Q During the--- until the month of November 1866 you didn't know this man Davis? A Yes sir I seen him there at his own place.
Q I say, you didn't know him until November '66? A No sir I wasn't there myself before that.
Q You dont know anything about the matter except that you saw him there the following year after you come there? A That is all.
Q After you come there to Kansas you didn't know where he lived until some time after? A No sir.
Q Were you ever at his house? A Never was inside,I was there.
Q Do you know where he was in the year '66, all the year? A He was living there.
Q You dont know where he was until November of that year do you? A No sir it was after I come there that I got acquainted with him.
Q How long has it been since you have seen this man? A Not since '67
Q How long has that been? A. I cant tell you; you'll have to figure it out.
Q You figure it? A I am too old to do it.
Q Can't you say how many years it has been ? A No sir my head is too dizzy for that.
Q When did you first have your attention called to when you saw this man Davis first? Did you ever testify against him before? A No sir I didn't know he was on trial before.
Q When was your attention first called to this matter? A Last Friday or Saturday.
Q You had forgotten there was such a man then hadn't you? A No sir I often thought of Jack Davis, I thought of him many times .
Q Just kept on thinking of him for 35 years did you? A I would think of you too if you moved from my neighborhood.
Q You dont know where he lives? A No sir not since the fall of the next year; he was there in the spring of '67 because I was talking to him
Q You only saw him in Kansas? A Yes sir,that is all.

Q That is all you know about it? A Yes sir.

This will be filed in the original application of Jackson Davis, C. F. D. 453, and also in Cherokee Freedman cases D-454; D-455; D-456; D-457 and D-740.

******

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 17th of October, 1901.

Commissioner.

File with Cherokee Freedman D-455, John M. Davis.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of Delilah Rowe et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Elizabeth Jane Morris.

Q How old are you? A I was 60 the 9th of last March.

Q Where do you live? A I live in Lynn County, Stanton Township.

Q What is your postoffice? A Mapleton.

Q How long have you lived in that section of country there in Kansas, Mrs. Morris? A I have lived there from 1862 up to the present time and living there yet when I am at home.

Q Since you have been living there, did you get acquainted with a colored family by the name of Rowe? A Yes, sir, they were my near neighbors when we were there.

Q Did you know one by the name of Delilah Rowe? A Yes, sir.

Q Did you know her father? A Yes, sir.

Q What was his name? A Daniel Rowe.

Q When did you get acquainted with this family? A When they first came there, that was about the close of the war.

Q How far did they live from you? A About half a mile.

Q Well, how long did they continue to live there near you? A They lived there until they moved to the Territory here.

Q About when was that, if you know, by any circumstances that could have called that to your attention? A The same year that I say, in '67, that Mr. Davis left me.

Q Do you know whether or not they came before or after Jack Davis left that country? A They came before, or at least I got acquainted with them before.

Q Did they come first or Jack David come first? A They came first, Mr. Rowe came first, located.

Q Why do you say he came first, was there any circumstances?

A Well he moved there and lived there and I near neighbor with him and I got well acquainted with them and therefore I say he came first.

Q Well, did you ever hear of any correspondence between them anyway that makes you fix the time or ever know them coming, between the Rowe family and the Davis family? A After Mr. Davis left there they corresponded together.

Q What place are you speaking about that he left? A I thought I told you on Mr. Morris' place, I didn't know of his living on any other place after I got acquainted with him.

Mr. Smith: How long did you say this Delilah Rowe lived there?

A She lived there all the time her father did, with him.

Q What was her father's name? A Daniel Rowe.

Q Well, how long did he live there? A He lived there at the close of the war in '66 as near as I can remember.

Q How long did he stay? A Stayed until he moved to the Territory.

Q Well, how long was that? A That was either in '67, in '67 if it is correct about Mr. Davis, he left the same year as near as I can

he moved in the winter I recollect well, when Mr. Rowe moved, he moved in the winter, I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring but Mr. Rowe, he moved in the winter, I have got that affirmed.

Q What time did he come there, in what season of the year was it?

A It was in the spring when Mr. Rowe moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rowe, I am satisfied, moved there in the spring.

Q Didn't you tell me a while ago that the war closed in the fall of '65? A That is what I understood, so said.

Q When was it that Mr. Rowe came there, in the fall or spring?

A He came there in the spring, I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came along about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you get down here to testify in this case? A Didn't I tell you a gentleman came up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Dawes Commission to come here and testify?

Mr. Davenport: I object to that mode of examination; if the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner: It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that; you didn't have any subpoena from the Dawes Commission to come here and testify? A I don't know anything more about the commission than anything in the world, he came and said he was doing government business.

Q How do you know this is in '67, how are you fixing it this time?

A From the age of my child, that is how I fix it

Q How many children did you ever have? A I have had five in my life and only two are living.

Q What was the date that the child that you fix this date by was born on? A June 24.

Q What year? A 1866.

Q When was the next one born? A It was October 25.

Q What year? A I forget the year now, it is recorded in my bible, it was October 25, I forget the year.

Q How much order was the first child than the second one? A My boy; 7 years older; let's see, I can can cound that up, my oldest son was born June 24, I was telling you, and the next one I forget the date of the year, but it was October 25, but I forget the date of the year now, but my oldest, I have that, they are both on record right now, but I have forgot the next boy, the date of the year, but I have the day of the month.

Q Well, was it the next year after June 24, '66? A After this next one, no, sir.

Q The next one, not the youngest, the next one? A The one that died, it waan't more than 2 years between the one that died and this one I was telling you that I have the date of, October 25. there was quite a difference in their ages.

Q How much? A I can't tell you exactly but I can recollect the date of the month.

Q Can you tell the year when any child was born except the one you have just told me about? A Yes, sir, my oldest girl was born April 28.

Q What year? A That was in '65.

Q April 25? A No, it was April, it wasn't '65, there is two years between my girl and my boy.

Q Well then what year was she born in? A Must have been in '64, wouldn't that make two years.

Q You know, don't you; what was it? A I know there is two years and some weeks.

Q Well, what year was it now? A Must have been in '64 as I told you, must have been, there is two years between the two.

Q Do you swear it was? A I told you about ~~the~~xxx as near the truth as I can tell you; if he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q Now when was your child next to the boy born, what date, next after the boy that was born in '66? A I told you I can't remember the date of the year, I can remember the date of the month, I forget the date of the year, it is in the bible.

Q Outside of these two you have been talking about, you can't give the dates when any one of the other three children were born, can you? A I can remember the dates of three of them.

Q Well, what about the others, do you know what years they were born in? A My oldest child was born the 28th of August.

Q What year? A I will tell you in a minute, if you wont hurry me: '57, the borth of my oldest child, it is dead, she was born August 28 of 1857, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Who, Delilah?

Q Yes; when did you first know her with reference to the time the child was born, the one that was born in '66? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war; you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long though? A They come there in the spring as I told you right in planting time because they came to our house to speak for some potatoes to plant, that wasthe first visit he made us after he moved up there.

Q How far did he live from you? A Not more than a mile, right in sight.

Q How long did he live on that place? A Lived there until he moved to the Territory.

Q How long was that? A Well, as I told you, they came the year, or the year after, that Mr. Davis came.

Q This woman was just a child then? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved away? A No, she was a mother, she got to be a woman because her child was born there because I am the one that took care of her.

Q You say Delilah was a little girl when she came there? A Well, a small girl.

Q And she moved away? A She came away with her father.

Q When was that, in '67? A I think it was in '67.

Q And she was a little girl when she went there? A When her father moved on the place there.

Q That was the spring after the war closed? A When they moved

there, yes.

Q And moved away in '67, and she was a little girl when she came there; is that right? A She was a little girl when she came there.

Q Now what was it you said about being a young woman when she went away? A She was a mother, she must have been a woman, she had that child before she moved away.

Q She did? A Yes, had that child living right up there where they lived all the time they were up there.

Q About how many years old do you think she was when they came there about the time the war closed? A Well, she might have been 10, 11, somewhere along there..

Q You think she was as much as 10? A I can't say, it is just guess work; of course she might have been more than that

Q How old did she appear to be when she had this child, was she a young woman? A She was old enough to be a mother, I can't tell you anything about that.

Q Did she look like she was a fully developed and matured woman?

A She was large enough in size but I don't know what her age was.

Mr. Davenport: She was large enough to give birth to and raise a child? A Well, she had it, because I was with her when she child was born and took care of it.

Commissioner: What was Delilah Rowe's father's name? A Daniel Rowe.

Q You say she lived in Kansas with him in the winter of '67? A No, it was '67 when they left.

Q Maybe it was the winter of '66 then? A No, it wasn't '66 because Mr. Davis hadn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q You said that he came down before Mr. Davis, one time; you said something about Mr. Davis coming down, you said that he came down to the Nation to get his wife, didn't you say something about that; you said Mr. Rowe, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A Davis moved first, didn't I tell you; you have got it wrong; didn't I tell you Mr. Davis moved down and wrote to Mr. Rowe a letter.

Q You say now that David moved before Rowe, do you? A Of course he did.

Q How long before? A Well, I can't tell you how long.

Q Well, didn't you say in your examination that Davis moved down you think in the winter of '67? A I said that is what I thought, I wouldn't be positive.

Q Sometime during the winter? A Yes, the fall.

Q You don't know whether it was the first part of the last part?

A No, I can't say for certain.

Q Couldn't it have been the last part of the winter of '66; you know the winter is in '66 and '67? A That is what I know, but didn't I tell you I know by my child was born in '66 and didn't I tell you the child could walk and didn't I come down to tell Mr. Davis good-bye, the child walked part of the way and that was in '67, that is what I told you in plain words, that Mr Davis was there in '66 and '67.

Q What time was the child born? A The child was born seems to me the latter part of the winter or spring.

Q Latter part of the winter or spring of what; '66? A No, the year after he moved down.

Q I am talking about this child that you say could walk? A That is my child.

Q That is what I am talking about? A Didn't I tell you all the time he was born in '66.

Q What month? A The 24th of June, 1866.

Q How old does a child have to be up there before it is old enough to walk? A They generally walk sometimes inside of a year, I would give a child a year; I told you in plain words the child was born on June 24, 1866, and if he would walk, would make it throw him into '67, I told you that Mr. Davis moved down first and wrote to Mr. Rowe

a letter when he was living there and Mr. Rowe brought the latter to my husband to read it, he couldn't read writing and my husband could.

Q That is the first you have said about a letter since you have been under examination in this case? A Well, that was the way of it.

Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you spoke of Mr. Rowe having read by your husband in your possession? A No, I guess not, Mr. Rowe took it with him.

Commissioner: Are you married? A Not now, my husband is dead.

Q Live on a farm? A Yes, sir.

Q Always lived on a farm? A Been living there since '62.

Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.

Commissioner: This testimony will be made part of the cases of Freedman D-749, D-750, D-752, D-837, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-453.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 28th of October, 1901.

Commissioner.

DEPARTMENT OF COMMERCE
COMMISSIONER OF THE PATENT OFFICE
FILED
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File with C. F. D- 455, John D. Davis.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 5,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION, in the matter of the application of Jackson Davis et al, for enrollment as Cherokee Freedmen.

Appearances:
Louis T. Brown, appears for Mellette & Smith, attorneys for applicants;
W.W. Hastings, of attorneys for Cherokee Nation.

WALTER A. WEST, being sworn and examined, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Walter A. West.
Q What is your age, Mr. West? A 60.
Q Post-office is Spavinaw? A Yes sir.
Q You are a Cherokee citizen by blood? A Yes sir.
Q Mr. West, when did you settle on the Old Military Road, asyou stated in your other examination? A I come there in May '66, that is when I first struck the road.
Q You settled there on the old Military Road how far from Grand river? A You might say at two places on the road, one was up at Hudson's, and that same season I moved down near Cabin Creek.
Q That was later in the fall of the same year, the fall of '66 you moved down near Cabin Creek? A Yes sir.
Q How far was that from Grand river? A About 2 miles.
Q Mr. West, do you know a colored man by the name of Jack Davis who has got a number of sons among others Joe and John? A Yes sir, I know Jack Davis.
Q When did you first see him after the war? A I saw him in February '61 first time I ever saw him.
Q Tell the circumstances under which you saw him? A I lived there on the Military road at that time and kept hay to sell to travelers and sold some to the Government the evening of the same day that Jack Davis come there and camped nearly a quarter of a mile from the house right on that old road, and I was at his camp that evening and that's where I first got acquainted with him, in '69, and there was another party with him, man by the name of Jack Bean, his wife was my wife's servant, that is my wife was her young mistress, and they come up there to see me and that's how I come to become acquainted with the whole of them; I got to inquiring who theothers was and went down there and this Jack Bean and his wife was the whole cause of me getting thoroughly acquainted with the outfit, there was four bunches of them altogether.
Q What were they doing? A They were camped there, moving from Kansas, just come there, come down and got there about 2 o'clock that evening.
Q They were moving from Kansas? A Yes sir.
Q Had you ever seen Jack Davis in that neighborhood before that? A No sir, that was the first time ever I got acquainted with him.
Q Had you lived there from '66 up until '69 in that neighborhood A Yes sir.
Q How far did Jack Davis locate from you? A About three miles.
Q On the river? A Yes sir, on the east side of the river, near the mouth of Cabin Creek, on the east side from Cabin Creek.
Q In some other cases in which you were examined you had some record or receipt showing that said date of February '69? A Yes sir, I got the voucher from the Government; I had that in this court this other court, but I didn't bring it down this time.

Q And that is the reason why you fix the date that you saw them? A Yes sir, 19th of February.
Q They were moveing down and on the road and camped at your place? A Yes sir.
Q They said they were moving from Kansas? A Yes sir.
Q That is the first time you ever saw Jack Davis? A First time I ever saw him.
Q You well acquainted around that neighborhood I suppose? A Yes sir.

BY BROWN:

Q You don't know when Jack Davis returned to the Cherokee Nation? A Not any further than that.
Q You know his wife? A I saw his wife, but I wasn't acquainted with her.
Q You know whether the wife he had then is his present wife now? A No, I do not know whether it is his present wife.
Q At the time you claim him who was with him? A There was Jack Bean, Sandy Bean and Tom Mayfield and his family, that was four outfits of them together.
Q Did Jack have his wife along? A Jack Bean?
Q Jack Davis? A He had a woman along, I supposed it to be his wife; I never went into details of which was his wife and which was the others wives; they had some women and children.
Q He didn't tell you his wife was along? A No sir, I saw some women in thecrowd and supposed they belonged to the outfit.
Q You know Will Davis, son of Jack Davis? A Yes sir.
Q Do you know John Davis? A Yes sir.
Q Did you see them that time? A No sir.
Q All you know is the first time you saw him was sometime in the year '69? A Yes sir, that was the first time I got acquainted with him, that was in February.
Q In '69? A Yes sir.

BY COMMISSIONER: This testimony will be made a part of the record in the case at bar and also in the following doubtful Freedmen cases: 454, 455, 456 and 457.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony andproceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 5th, 1902.

Commissioner.

[illegible]
thereof.

Arthur S. Crossington.

Subscribed and sworn to before me this [illegible] day of [illegible], 1918.

R. J. [illegible],

[illegible].

I, the undersigned [illegible], a stenographer [illegible] certify that I [illegible] the foregoing in a true and correct copy of the proceedings in the above case.

To be filed with F.D.455.

F. D-453.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Jackson Davis for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-453.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation in 1871 as found in a book taken from the Executive Department of the Cherokee Nation entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, the same being No.58, as follows:

"Jack Davis.
Decided agains defendant June 8, 1871."

MR. SMITH: The applicant objects to the offer of the above matter in evidence for the reason, first, that the same is incompetent, irrelevant, and immaterial, and does not tend to prove any issue in this case; second, because it is not shown that the person mentioned in said entry is identical with the applicant herein; third, because there is no showing that any step necessary to the rendition of a valid judgment was ever taken by the Cherokee Nation, not even a showing that the applicant was before the Court; fourth, because the record as offered being all of the record shows upon the face that it is insufficient to constitute any judgment or decision; fifth, because it is incompetent to prove upon the issue at bar any record or alleged record of the Cherokee Nation in the manner and form herein sought to be used.

MR. HASTINGS: The Cherokee Nation offers this judgment for the purpose of showing that it is a full, fair and free investigation of this case soon after the war when all the witnesses were alive and all the facts could have easily been brought to the attention of the court and were, and a decision at that time rendered by a court of competent jurisdiction.

MR. SMITH: And then the applicant objects for the reason that the only evidence offered herein shows just what is embodied in the record entry and that that fails to show that even the applicant was before the court or any witnesses.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following freedmen cases: John Davis, D-455, William Davis, D-456, Ellen Bell, D-457, and in the case of Jackson Davis, the same being the case at bar, D-453. It appears from the records of the Commission that the above applicants are represented by Mellette & Smith.

MR. SMITH: Counsel for John D. Davis, William Davis and Ellen Bell, objects to the testimony offered in the case of Jack Davis relative to the alleged record of 1871 court, being embodied in the record in either of the cases of John D. Davis, Will Davis or Ellen Bell, because the record offered in the Jack Davis case shows affirmatively that nobody except Jack Davis was a party to said proceeding and does not show that he was identical with the Jack Davis who was the father of the last mentioned applicants.

MR. HASTINGS: The Cherokee Nation contends that it is relevant in this case for the reason that all these applicants claim in and through Jack Davis; that their case stands or falls upon his, and that he made the application to the court in 1871, only five years after the treaty of 1866, when testimony was easily gotten as to the time of his

return, and a court of competent jurisdiction there adjudged that he didn't return in time.

MR. SMITH: The cousel for the applicant moves to strike the remarks of counsel as being irrelevant and immaterial.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 28th day of May, 1902.

P. G. Reuter,

Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the proceedings in the above case.

Mabel F. Maxwell.

Subscribed and sworn to before me this 12th day of July, 1902.

P. G. Reuter

Notary Public.

COMMISSION
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

John D. Davis, D 455;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothemberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

C.F.D. 455.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 12, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing are true and correct copies of the originals on file with this Commission in the case of John D. Davis, Cherokee Freedmen D-455.

Commissioner.

Chas. F. D 4155

What, therefore, God hath joined together, let not man put asunder.

THIS CERTIFIES,

That John D. Davis		Cathrine George,
of Hayden	a n d	of Parsons
Ind. Terry.		Kansas

WERE UNITED IN MARRIAGE

By me, according to the ordinance of God and the Laws of Indian Territory, at The Residence of J. D. Davis on the 23rd day of April in the year of OUR LORD, One Thousand Eight Hundred and Ninety Four

Witnesses John Towers, Josh Berne

Samuel Webber
Minister of the Gospel

Recorded on page 276 Book (B) Records of Marriages of Cooweescoowee Dist. Cherokee Nation This the 1st day of May 1894

Joe M. Lahay Clerk

Cooweescoowee District
C.N.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Ind. Ter., Aug. 20, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of Jackson Davis et al., F. D. 453.

Commissioner.

[illegible]

Cherokee Freedman 1012

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, DECEMBER 23RD, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Charlotte French, as a Cherokee Freedman.

It appears from the record herein that on December 1, 1904, the applicant, Charlotte French, was notified by register letter and on the 3rd day of December, 1904, the attorneys for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 23, 1904, and introduce testimony touching the applicants right to enroll, at which time this case will be taken up for final hearing. On this 22nd day of December, 1904, the applicant appeared by her attorneys, Blue & Bulger, the Cherokee Nation by its attorneys Fell, Hastings & Davenport.

Aaron Whitmire being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Aaron Whitmire.
Q How old are you? A 69
Q What is your postoffice? A Coody's Bluff, Indian Territory.
Q How far is Coody's Bluff from the Verdegris River?
A Half a mile.
Q How far do you live from Lightening Creek? A I live three miles from Lightening Creek.
Q What direction? A West.
Q Do you live in the Cooweescoowee District? A Yes, sir.
Q How far north of Chelsea do you live? A About four miles.
Q Have you lived in that vicinity ever since you came there after the war? A Yes, sir.
Q Are you living on the same place you originally settled? A Yes right on the same place.
Q How far is Big Creek from where you live? A Well it is about eight miles.
Q Does Big Creek flow into the ~~Ver~~ Verdegris River? A Yes, sir.
Q And about eight miles from where you live? A No, it haint that far, the water flows in the river about four miles from where I live.
Q What direction is it from where it flows in the Verdegris River?
A Northwest.
Q Does Snow Creek empty in the Verdegris River north of where you live? A Yes, sir.
Q Between where you live and the Kansas line? A Yes, sir.

Q There are at present a great many colored people living on the Verdegris River, Big Creek and Snow Creek? A There are a great many living there.
Q Were you a slave before the war? A Yes, sir.
Q Where did you live? A I lived in Goingsnake.
Q Are you a brother of Louis Whitmire? A Yes, sir.
Q Are you a brother of Mose Whitmire? A Yes, sir.
Q You knew them of course before the war? A Yes, sir before the war.
Q Did you know them and were with them during the war? A Yes sir
Q Where did you go during the war? A I went to Fort Scott, Kansas.
Q Were you in the army? A I wasn't exactly in the army, I was working for the government though blacksmithing.
Q Did your other brothers also work in the army? A They drove teams.
Q Did you know old Sam and young Sam Webber before the war?
A I knew the old man before the war.
Q When did you get acquainted with young Sam? A In time of the war.
Q In the state of Kansas? A Yes, sir.
Q Did you know Mike, Sam, Ruben and Dan Sanders? A Yes, sir.
Q Did you know them during the war? A Yes, sir.
Q Where? A Fort Scott, Kansas.
Q Well at the time the war closed where were you and all of these other parties, including your brothers, Sanders and the Webbers when the war closed? A Fort Scott, Kansas.
Q You are a recognized and enrolled Cherokee Freedman, are you not? A Yes, sir.
Q When did you make the first trip to the Cherokee Nation after the close of the war? A I made the first trip in August, 1866,
Q In August, 1866? A Yes, sir.
Q Well now who came along with you in August, 1866? A Well the old man Sanders.
Q What was Sander's name? A Mike Sanders.
Q Was he the father of Ruben and Dan? A Yes, sir.
Q Who else came with you? A Old man Webber, old man Sam Webber, old man Billie Foreman, Peter Meigs, Mose Whitmire, Nelson Whitmire, Louis Whitmire and Dennis Whitmire.
Q Where did you go? A We come to Big Creek.
Q How long did you stay on Big Creek? A We stayed there two or three weeks, I don't just recollect, I don't know how long, some two or three weeks.
Q Did any women or children come with you at all on that first trip. A No, sir.
Q Where did you go down Kansas and enter the Territory, at what point? A We come right to Oswego and cut to where Chetopa is now and turned west and went to Big Creek.
Q And then come down Big Creek? A Yes, sir.
Q Was there a single house anywhere in the Cherokee Nation along Big Creek at that time? A There wasn't nary one for a mile on Big Creek.

Q Was there anyone living on Big Creek in the Cherokee Nation at that time? A No, sir.
Q Was anybody living on Snow Creek at that time? A No, sir.
Q Did you see anybody living on the Verdegris river at that time? A Yes there was somebody living along the river, along the Verdegris
Q Who? A Old man Riley.
Q Was he a Cherokee? A He was a Cherokee, and Carter, he was a Cherokee and John Coker, he was a Cherokee.
Q Well were there any colored people on the Verdegris river at that time? A No, not that I seen.
Q You stayed around then in that country some two or three weeks? A Yes, sir.
Q Well what did you do then? A We went back to Fort Scott.
Q That was the first trip that was made by any of the colored people up there, so far as you know, to the Cherokee Nation after the war? A Yes, sir.
Q That was what was said at the time? A I know that was what they said, there may have been a few come before that and went the other way by Granville.
Q Well now when was the second trip made. A That was made in December sometime.
Q Of 1866? A Yes.
Q Now who came with you on the second trip? A Ranson Daniels, Solomon Foster, Dick Whitmire.
Q Was that old man Dick Whitmire? A Yes sir, and Sam Beck.
Q Were there any Creeks or Choctaws? A Some Creeks and Choctaws.
Q What became of them? A They went on down.
Q Into their own country? A Yes, sir.
Q Well did you go over practically the same country the second trip that you did over the first? A We didn't go over all the same ocuntry, we went over some of it, we done a little work.
Q Well at that time were there any colored people living in any of that part of the country known as Big Creek and Snow Creek country and the Verdegris River? A No, sir.
Q What work did you do in August, 1866? A Put up some houses.
Q Just put up the logs? A Yes, sir.
Q What did you cover them with? A We covered two or three of them, two I believe.
Q Covered you think about two of them? A Yes, sir.
Q But the rest were just the bodies of the houses? A Yes, sir.
Q You didn't put in any fields at that time? A No, sir.
Q Well when you came back in December you come to these same places where you had started your claims before? A Yes, sir.
Q Well how long did you stay there in December, '66? A I stayed there about four days.
Q Where did you go then? A I come to Fort Gibson from there.
Q Where did you go from Fort Gibson? A Goingsnake.
Q What became of those who were with you? A They went back to Fort Scott, Kansas.
Q After going to Goingsnake did you return to Kansas or Fort Gibson? A Yes, sir.
Q About what time of the year did you go back to Kansas? A It was near Christmas time, I don't just recollect what time.
Q Do you remember of the circumstances of Dyer Hayford being killed? A Yes, sir.
Q Did you know Hayford? A Yes, sir.

Q There were you when he was killed? A Fort Gibson or Tahlequah.
Q On this second trip? A Yes, sir.
Q He was killed when you returned? A Yes, sir.
Q Did you know Eli Mackey, a colored fellow, who killed him?
A Yes, sir.
Q Now did any women or children go with you to the Cherokee Nation on this second trip? A No, sir, none at all.
Q Well when did you return to the Cherokee Nation finally the third time? A It must have been in March sometime.
Q The following March of '67? A Yes, sir.
Q Well who came with you that time? A Well Sanders, old man Sanders, Mike Sanders, Peter Meigs, Billie Foreman, Tuck Sanders Ruben Sanders.
Q Well did Louis Whitmire come with you that time? A No, he didn't go that time.
Q Where was he? A Fort Scott.
Q Did Dennis come that time? A No, sir.
Q Did this preacher, Joe Ross, come that time? A No, sir.
Q Well did Sam Webber come that time? A No, Sam didn't go.
Q Well how long after you come before Sam moved down here?
A A couple of weeks I guess, maybe not quite so long, a short time.
Q Do you remember the circumstances as you were leaving to come here about Eli Mackey going to jail for the murder of Dyer Hayworth and there being considerable excitment when you passed through
A Yes, sir.
Q Were the Sanders boys along on that trip? A Yes, sir.
Q And you say now that Sam Webber didn't bring his family when you came but a couple of weeks after? A Yes, sir.
Q Well now when you did move your families down to where you located were there any colored people living in that part of the country? A None that I know of.
Q Were there any on the Verdegris River or the Lightening Creek country or Snow Creek or Big Creek country? A None that I ever heard of or seen and I traveled a good deal through the country.
Q Where did you do your trading when you first came from Oswego?
A At Old Parker some.
Q Now in order to go to Oswego you had to go from your place north up from Big Creek and Snow Creek country? A Yes, sir had to go north.
Q There were no fields there in '66? A None at all.
Q Wasn't no corn planted or crops raised that year? A No, sir.
Q Did you plant some crops in '67? A Yes, sir. We had crops in '67
Q But before that none were put in by the colored people at all?
A Not that I know of.
Q Well do you know Ben Alberty? A Yes sir, I knew Ben before the war.
Q Did you know him after the war? A I never seen him but once after the war that I know of.
Q Well did you know before the war that he located on the mouth of Snow Creek? A Yes I knew about the place.
Q Well was he living there when you moved down here in March of '67? A No, sir.
Q Well now how long after that that Ben Alberty moved down in the Cherokee Nation? A It must have been sometime in '68, nearly '69 somewhere along there.
Q And you know he wasn't there when you first moved? A Yes, sir. He wasn't there.
Q You know John Landrum? A Yes, sir. I knew Jack Landrum.

Q Well now when did Jack move his family down here? A Well I don't recollect just what time Jack did move there.
Q It was after you moved there? A Yes, sir.
Q He wasn't living there in '66? A No, sir.
Q Did you know him in Kansas? A No, I never saw Jack in Kansas at all.
Q Did he mary some relation of yours? A Yes a sister.
Q Were they married in Kansas or in this country? A In Kansas.
Q After the war? A Yes, sir.
Q Were they married when you left there with your family?
A Before that, before I left.
Q But he didn't move down with his wife until after you came down?
A No, sir.
Q How long was it after you moved down the third time until Jack came? A It must have been in '68, somewheres along there when they come to where I lived.
Q Well how far did they settle from you? A About three miles.
Q Then there was no women or children come on any of these trips until you moved down in March '67? A No, sir not until we moved.
Q You are the same man who is known as Aaron Whitmire who testified before the Chambers Court in '78? A Yes, sir.
Q And Louis Whitmire and Moses Whitmire who were admitted to that court were your brothers? A Yes, sir.
Q You at that time had for your witnesses Blue Alberty, William McCracken and others, did you not? A Yes, sir.
Q You stated in your application at that time, and your witnesses stated for you the same facts that you stated here, to-wit; that you returned with your family and moved down here in the spring of '67? A Yes, sir.
Q That is all true, is it not? A Yes, sir, that is the truth.
Q Well now Sam Webber never moved down here until the spring of 1867? A No, sir.
Q And young Sam didn't come with his father in August, 1866?
A Yes he come in '66 with his father.
Q Did he go back? A He went back, yes sir.
Q Did he come back in December, 1866? A I don't recollect now whether young Sam was along in December or not.
Q But you remember distinctly that he moved down here some two or three weeks after you did? A Yes, sir.
Q How far did the Webbers settle from you when they came down in the spring of '67? A It is about six or seven miles from where I live.
Q You knew them well did you? A Yes, sir.
Q Had you seen them in Kansas before the war and before you moved down here? A Yes, sir.
Q About how far did they live from you in Kansas? A About 20 miles I think.
Q Did you live in the town of Fort Scott? A Yes, sir, I worked there in town.
Q Blacksmithing? A Yes, sir.
Q I believe that you stated that you knew Dyer Hayford, what was his business? A He had a grocery store and sold groceries.
Q Did you buy goods from him? A Yes, sir.

Q You stated that you knew Eli Mackey? A Yes, sir.
Q William McCracken says he met you in December, 1866, in December, before the Chambers court, did you meet him that year?
A Yes, sir.
Q Were your brothers with you? A No, they wasn't with me then, I left them on the Verdegris River, I met McCracken down at Fort Gibson.
Q Did you tell him where you were going? A Yes, sir.
Q What did you say? A Told him I was going to Goingsnake.
Q As I understand you you went to Goingsnake by the way of Tahlequah and came back by the way of Fort Gibson and then went to Kansas and got back to Kansas sometimes during Christmas week?
A Yes, sir.
Q Which was after Hayford was killed? A That was after Hayford was killed.

BY THE COMMISSION:
Q During the war Mr. Whitmire, you colored people settled in Fort Scott in the same neighborhood, did you? A Not exactly
Q Well you knew one another quite well? A Yes, we knew one another.
Q Refugees from the territory who had gone out during the war?
A Yes, sir.
Q You were acquainted reasonably well were you not, with all of the parties who came down in that first crowd in August of '66?
A Well yes sir.
Q You knew all the parties in that crowd? A Yes sir.
Did you give all the names of those you can remember in response to Mr. Hasting's questions? A All I can remember, yes sir.
Q What was your purpose in coming that first trip, Mr. Whitmire
A Come to make homes.
Q You came down to build some houses? A Yes, sir.
Q How did you go to the territory, wagons or horseback?
A Come in wagons.
Q What kind of teams did you have? A Some had mules, some horses and some oxen.
Q Did you have a family at that time? A Yes, sir.
Q A wife and some children? A Yes, sir.
Q But you left them in Fort Scott? A Yes, sir.
Q It was the understanding, was it, that you people were to come here and start some houses before going back to Kansas for your families? A Yes, sir.
Q Who did your cooking on that trip? A Well the boys done the cooking.
Q Did you bring along any women at that time to do the cooking?
A No, sir.
Q You are positive that there were no women at all in this crowd, are you? A No women that I recollect and no children.
Q Well you would have remembered it, wouldn't you? A Yes, sir, I think so.
Q It was a pretty wild country here at that time? A It was a wild country, yes sir.
Q Well now when you came down in December the second time for what purpose did you come? A We come down to work on our places.
Q You left your family at Fort Scott on your second trip?
A Yes, sir.
Q Were there any women in that crowd who came down in '66?
A No, sir.

Q There werr none? A None.
Q How did you come the second trip? A In Wagons.
Q At that time, in the fall of '66, did you have some brothers and sisters? A Yes, sir.
Q All of your brothers came with you in the fall of '66?
A Rose, Louis, Dennis and Nelson.
Q Did you have some sisters living at that time? A Yes, sir.
Q What were their names? A The oldest was Mariah, Polly Ann, Mary Ellen.
Q Where did you leave them on your first and second trips to the Cherokee Nation? A I left Mariah at Lawrence and Polly Ann at Fort Scott with her brother Dennis and I don't know where Mary Ellen was.
Q Did your sister, Polly Ann, come with you when you come in the spring of '67? A No, she came with her brother Dennis.
Q How long after you came until Polly Ann came with Dennis.
A About two or three weeks as near as I can recollect.
Q That was the first time, was it Mr. Whitmire, that Polly Ann had been in the Cherokee Nation after the war, so far as you know? A Yes, sir, Polly Ann was a girl then staying with her brother Dennis, she wasn't of age, she was staying with Dennis and living with him.
Q And she didn't come with Dennis in the fall of '66? A No she didn't come with Dennis when he come before.
Q She staged with his family in the town of Fort Scott, Kansas.
A Yes, sir.
Q Was little Sam Webber married when he come down here with his father in '66? A Yes, sir.
Q Where was his wife? A She was in Kansas.
Q Was there any woman come with little Sam Webber when he come on either of these trips in '66? A No, sir.
Q Well Mr. Whitmire, if any woman claims to have come down here in August or December, 1866 with this detachment of which you were a member, she is mistaken? A Yes, sir, she is mistaken.
Q You are positive that there were no women or children on either of these trips? A Yes, sir.
Q You were a grown man then weren't you? A Yes, sir.
Q And you are an intelligent fellow who would remember, wouldn't you, Mr. Whitmire? A Yes, sir.
Q And you remember that no women or children came with you on either of these trips? A No, sir, not one.
Q You have been acquainted with all these parties since your removal to the Cherokee Nation, have you Mr. Whitmire? A Yes, sir.
Q Known where they have lived and all about them? A Yes, sir.

BY MR. HASTINGS:
Q Wasn't it a fact that the Chambers Court admitted all of you people who made this first and second trip here to the Cherokee Nation that applied to the Chambers Court and introduced this testimony? A Yes, sir.
Q The Cherokee Nation or its authorities never did deny you did they? A No, sir, never did.

BY MR. BULGER:
Q Mr. Whitmire when you started from Fort Scott to the Cherokee Nation what road did you take? A I come right down by Lightening Creek, what is called Lightening Creek, crossed over at Savage

Q There werr none? A None.
Q How did you come the second trip? A In Wagons.
Q At that time, in the fall of '66, did you have some brothers and sisters? A Yes, sir.
Q All of your brothers came with you in the fall of '66?
A Rose, Louis, Dennis and Nelson.
Q Did you have some sisters living at that time? A Yes, sir.
Q What were their names? A The oldest was Mariah, Polly Ann, Mary Ellen.
Q Where did you leave them on your first and second trips to the Cherokee Nation? A I left Mariah at Lawrence and Polly Ann at Fort Scott with her brother Dennis and I don't know where Mary Ellen was.
Q Did your sister, Polly Ann, come with you when you come in the spring of '67? A No, she came with her brother Dennis.
Q How long after you came until Polly Ann came with Dennis.
A About two or three weeks as near as I can recollect.
Q That was the first time, was it Mr. Whitmire, that Polly Ann had been in the Cherokee Nation after the war, so far as you know? A Yes, sir, Polly Ann was a girl then staying with her brother Dennis, she wasn't of age, she was staying with Dennis and living with him.
Q And she didn't come with Dennis in the fall of '66? A No she didn't come with Dennis when he come before.
Q She stayed with his family in the town of Fort Scott, Kansas.
A Yes, sir.
Q Was little Sam Webber married when he come down here with his father in '66? A Yes, sir.
Q Where was his wife? A She was in Kansas.
Q Was there any woman come with little Sam Webber when he come on either of these trips in '66? A No, sir.
Q Well Mr. Whitmire, if any woman claims to have come down here in August or December, 1866 with this detachment of which you were a member, she is mistaken? A Yes, sir, she is mistaken.
Q You are positive that there were no women or children on either of these trips? A Yes, sir.
Q You were a grown man then weren't you? A Yes, sir.
Q And you are an intelligent fellow who would remember, wouldn't you, Mr. Whitmire? A Yes, sir.
Q And you remember that no women or children came with you on either of these trips? A No, sir, not one.
Q You have been acquainted with all these parties since your removal to the Cherokee Nation, have you Mr. Whitmire? A Yes, sir.
Q Known where they have lived and all about them? A Yes, sir.

BY MR. HASTINGS:
Q Wasn't it a fact that the Chambers Court admitted all of you people who made this first and second trip here to the Cherokee Nation that applied to the Chambers Court and introduced this testimony? A Yes, sir.
Q The Cherokee Nation or its authorities never did deny you did they? A No, sir, never did.

BY MR. BULGER:
Q Mr. Whitmire when you started from Fort Scott to the Cherokee Nation what road did you take? A I come right down by Lightening Creek, what is called Lightening Creek, crossed over at Osage

and come down by Sapulpa and there we turned west and went over to the head of Big Creek.
Q How far down Big Creek did you go and where did you settle?
A We come down I guess eight or ten miles from the head to where we live.
Q Did you go north of where Centralia now is? A No, sir west of where Centralia now is.
Q Well did you settle on Big Creek? A No, on Salt Creek, that is below Big Creek.
Q Which direction did you settle from Nowata? A Southeast, pretty nigh east.
Q Were you on Snow Creek, did you go down Snow Creek during that first trip? A No, sir.
Q Were you on Snow Creek? A I have been on Snow Creek.
Q How long were you there about four weeks? A No, not that long, not then.
Q Do you know whether or not anyone lived on Snow Creek? A No-one that I know of.
Q How do you know if you wasn't there? A I was there, but I didn't see anybody on Snow Creek or anybody living there.
Q When in August, '66? A Yes, sir, after that.
Q Where were you going when you passed Snow Creek? A By old Tahlequah and different places there, Westralia.
Q Did you have to go by Snow Creek to go by Westralia?
A Yes sir, it was an old trading post up there near old Tahlequah, east of Tahlequah on Pumpkin Creek.
Q How far was Westralia from where you was building those houses?
A About twenty miles.
Q Which direction? A East.
Q Which side of Big Creek is Westralia on? A On the west side of Big Creek.
Q Which side of Snow Creek? A On the west side of Snow Creek.
Q Which side of the Verdegris? A On the east side of the Verdegris.
Q Where were you going when you went through Westralia? A Going to old Tahlequah, I had started to different places up there going to Westralia to trade sometimes during the past.
Q Then when you come to the Cherokee Nation that time you started at the head of Big Creek, went south down seven or eight miles where it runs into the Verdegris? A Yes sir, all the way from the head of Big Creek to where it runs into the Verdegris.
Q And settled on the southeast side of Big Creek where it turns around there into the Verdegris? A Yes, sir.
Q And there you built some houses? A Yes, sir, our houses was on Salt Creek about four miles from the mouth of Big Creek where it empties into the Verdegris.
Q When did you build there? A In '67.
Q Then where was it that this crowd that come in August of '66 built their houses? A They built them on Big Creek. It was about six or eight miles above where I live.
Q Did you find your location where you built some houses in '66?
A Yes, sir.
Q But you didn't erect any buildings there until '67? A No, sir.
Q Who built those houses in that first '66 settlement? A Sam Webber built one, old man Webber and old man Mike Sanders and old man Meigs.
Q Did you have to cut trees down and hew these logs out? A We cut the logs down and hewed them out.
Q What did you cover these houses with? A Boards.

Q Where did you got the lumber? A It wasn't lumber boards, it was clab boards.
Q You was there four weeks? A Yes, sir.
Q You came to the Cherokee Nation, built these houses and went back to Fort Scott, when did you go back to Fort Scott? A I don't recollect just exactly what time I did get back on the first trip, I don't recollect.
Q How long did you stay down in the Cherokee Nation when you were down here? A Two weeks that time.
Q The first time? A Yes, sir.
Q During those weeks you built several houses? A Yes, sir.
Q Visited around different settlements on Snow Creek? A There wasn't no settlements that we looked around, we saw the country.
Q What was your idea in looking at the country when you had located and built your houses? A We wanted to see if there was any place better.
Q Moved your houses would you? A The houses were just some logs and we could have got more if we had found a better location.
Q Well then you returned to the Cherokee Nation in December? A Yes, sir.
Q What way did you come that time, what road? A We come pretty nigh the same road as we come the first time, by Lightening Creek.
Q Came down by Lightening Creek? A Yes, sir.
Q Came down by Big Creek? A Yes, sir, Big Creek.
Q Stayed right close to the river? A Come to where we started our buildings.
Q Did you stay down in the bottom along Big Creek? A Yes, sir, we come along the bottom.
Q Now Mr. Whitmire, in August when you folks come down there, did you stay in the bottoms or get out on the grass? A No, we didn't exactly stay in the bottoms, we would go out on the prairie and look around.
Q Wasn't there great high grass in the bottoms that time and made it difficult to travel through? A Yes, sir, there was grass there.
Q Wasn't the grass a little short on the prairie? A Yes, sir.
Q And for that reason you stayed out of the bottoms on the way down? A No, we want in the bottoms.
Q You didn't travel down in those bottoms all the time did you? A No, sir.
Q You didn't travel in that big grass did you? A Yes, sir in places.
Q What did you have, wagons? A Wagons and teams.
Q What kind of horses did you have? A Some mules, some horses and some oxen.
Q But now what was your object in traveling in that high grass that big blue stem, instead of going on the prairie? A It was a good place, that was the object, if you was looking for a location you wouldn't go out on the prairie to hunt it.
Q Did you know where you was going when you left Fort Scott? A Yes, sir.
Q You had been in that country before the war? A No, I never was in it until after the war.
Q Were there any other crowds of Freedmen that come out from Fort Scott after August 1866, before you came in December? A Why, I don't know that.
Q You don't know? A No, sir.

Q Did Bill McCracken and Levi Dougherty and those fellows live in that country in those days? A No, sir.
Q Did you ever see them there? A I never seen them there, Bill McCracken lived on Flat River and Eli lived on Pryor Creek.
Q Where did Blue Alberty live? A On Pryor Creek.
Q When you came down in December, 1866, how long did you remain in the Big Creek country? A Four days.
Q Then where did you go? A Fort Gibson. Up to Goingsnake and then to Tahlequah.
Q And returned the same way? A I returned the same way.
Q That time did you go to Fort Scott? A About Christmas time.
Q How were you traveling those times? A Teams.
Q How long did you stay in the Goingsnake neighborhood? A Two weeks and stopped at Tahlequah three or four days.
Q Did you stop any length of time at Fort Gibson? A Four days, I think, maybe longer, I don't know exactly, four days or a week.
Q You left Fort Scott in December? A Yes sir.
Q Returned sometime during Christmas holiday week, between Christmas and New Years? A Yes, sir.
Q Stayed four days in Indian Territory? A Three or four days in Gibson.
Q Stayed a couple of days in Tahlequah and Goingsnake? A A couple of weeks.
Q Stayed a couple of week in Tahlequah and Goingsnake and got back there about the first day of January? A I don't know whether the first day, I guess it was about the first.

BY MR. HASTINGS:
Q How long after you come the last time before Louis moved down, your brother Louis? A I guess it was two or three weeks, I don't recollect just exactly.
Q But even at the time you moved there were no families at that time living anywhere in the section of the country? A None at all, Old man Riley the closest that I know and I lived four miles from him.
Q In the Cherokee Nation? A Yes, sir.
Q Well I meant when I asked the question there were no colored people? A No.
Q You were the first people? A First ones that I know of.
Q And you come down some two weeks before the Webbers moved there. A Yes, sir.
Q And the Sanders family came with you? A Yes, sir. Sanders and Meigs.
Q Did they live about Fort Scott? A Yes, sir. Sanders lived there and Meigs lived there.

BY MR. BULGER:
Q Now Mr. Whitmire when you came down in December did you go directly to your places that you had located in August? A Yes.
Q Didn't scout around over the country like you did in August? A No, sir.
Q Did you know of anybody who lived in the Snow Creek country or up in the Big Creek country, except in that immediate neighborhood where you went? A I didn't know for certain.
Q Now when you were on this trip to Goingsnake, how did you go? A Wagon and two mules.

Q You say little Sam Webber came with you in August? A Yes, sir.
Q And he was married before this? A Yes, sir.
Q Did he return with you in December? A Yes, sir.

BY MR. HASTINGS:
Q Well you know that there was nobody living on Snow Creek after you moved down here in the spring of '67 because you had occasion to go back and forth up there? A I was up there from two to three weeks, had to go up to the little trading post at Oswego and get provisions.
Q And you saw nobody living in that section of the country?
A No, sir.
Q Well now the first trip you came I judge you traveled considerably over all of this country hunting a suitable place to locate?
A Yes, sir.
Q Well neither of the Webbers or none of the rest never did mention having been back to that section of the country before that in August? A No, sir.
Q None of them had been there before? A No, sir.
Q And there were no women on the first or second trips and no children? A No, sir.

BY MR. BULGER:
Q When you came down in December did you stay down in the bottoms close to Big Creek? A Yes, sir right in the bottoms.

BY MR. HASTINGS:
Q You had been game hunting a good deal of the time at that time had you? A It was all we had to eat.
Q And that made you go round in those bottoms in search of game?
A Yes, sir.

JAMES M. KEYS being first duly sworn testifies as follows:

BY MR. HASTINGS:
Q What is your name? A James M. Keys.
Q What is your age? A 62.
Q Are you a Cherokee citizen? A Yes, sir.
Q Where were you living when the war closed? A I was down south in the Choctaw Nation.
Q When did you return to the Cherokee Nation? A I came to the Cherokee Nation in June, 1866.
Q When did you first have occasion to visit Cooweescoowee district or that part of Cooweescoowee known as the Snow Creek, Big Creek and Verdegris country? A In the winter of 1867. I had a large bunch of cattle near Claremore, Indian Territory and in the spring of 1868 we had lost some cattle and there had been another herd of cattle near where I had these cattle I had charge of and they drove them in the direction of Kansas and I followed these cattle on the east side of the river to Coodys Bluff and crossed over at Coodys Bluff and stayed all night and in the morning came on the east side and followed up on the Verdegris River to Snow Creek and found the bunch of cattle I was following.

Q How far from the Kansas line? A Well, I couldn't say, it was right near the Kansas line.
Q They were near the Kansas line? A Yes, sir.
Q Then you had occasion to go up to the Verdegris river from where it flows out of Kansas into the Cherokee Nation? A Yes, up as far as Snow Creek.
Q Now did you see any colored people along the Verdegris river and Snow Creek on that trip? A Well after leaving Coodys Bluff and going north on the east side of the river I didn't see a single house or habitation of any kind along the river, and I followed as close to the river as I could.
Q You were in search of this bunch of cattle and you were looking to see if you could find any people? A Yes, it was a wild country then and I would have been glad to have seen any house.
Q Were there any people living on Snow Creek at that time?
A I didn't see a single house.
Q Did you know where Ben Alberty claims to have settled? A Yes I know where the old place is.
Q How far did you go from the old Ben Alberty place on this creek?
A My best judgement is in the neighborhood of one mile.
Q How far did you pass from it when you went up? A I went right up Snow Creek until I could see the cattle on the other side and followed right up the Verdegris river until I came to Snow Creek.
Q And you could see no persons living in that section of the country? A No evidence of any habitation outside of the cattle down where the cattle were.
Q And you could see them at once? A I saw them at once.
Q How large a stream is Snow Creek? A Just a small stream.
Q Just a little branch? A It is a little creek with some timber that runs out of the Verdegris and heads toward Kansas.
Q Runs for a few miles in the Cherokee Nation? A Yes, sir.
Q And you saw no colored people at all on that trip? A No evidence of any habitation or anything.
Q And you never heard of any people who had seen the cattle?
A No, about half way between Coodys Bluff and Snow Creek I met two men and they told me no-one lived there.
Q They had seen this heard of cattle? A Yes they had seen these cattle and had been to a town in Kansas, Osage, I knew them, they were two Cherokees.
Q Did you make any inquiries as to whether there was any settlement or not? A Yes, so I could stay all night.
Q Do you think it would be possible for Ben Alberty to have lived where you knew he afterward settled without your seeing his house? If he had lived there when you went up Snow Creek in search of these cattle you would have seen his house? A I don't think so, if there had been any house I would have seen it.
Q Which way did you go back? A I came back the way I went, along the river.
Q Did you take charge of these cattle? A No sir, I left them in the herd, it was a long ways from where I was located and I left the cattle there until I came back.
Q You didn't go across to Salt Creek where Aaron Whitmire lives?
A No, sir, I followed the Verdegris circle.
Q You left the Whitmire settlement to the east of you? A Yes some miles to the east.
Q And that is the reason why you didn't see their settlement?
A Yes, sir.

Q Did you follow Big Creek? A Not any distance.
Q Big Creek flows in the Verdegris river? A Yes, sir, a little north of Coodys Bluff.
Q Instead of following Big Creek you went up the Verdegris river? A Yes, sir.
Q But when you struck where Snow Creek flows into the Verdegris you went up Snow Creek? A Yes a little, the cattle were between the river and Snow Creek on the north side and I followed the creek until I could see them on the other side and crossed.

BY MR. BULGER:
Q When was this Mr. Keys that you made this trip in April or May?
A In April or May of 1868.
Q Where did you strike the Verdegris river when you started?
A I went near Claremore and went from there to Coodys Bluff the first day.
Q On the east side of the river? A Yes Coodys Bluff is on the east side of the river. I stayed all night with Looney Riley.
Q Where did you cross the Verdegris River to go to the Snow Creek country? A I crossed it the next morning and went right up the river, there was considerable timber along the Verdegris at that time.
Q About the same as now? A Yes, sir.
Q How far out from Snow Creek did you stay when you went across the country for these cattle? A Not a great ways, I don't think it was more than , from a half a mile on the east side of Snow Creek.
Q Is there any timber on Snow Creek? A Yes, sir, there is a little timber along there.
Q You didn't go on the east side of Snow Creek until after you had crossed that time, you went right across? A We followed up on the east side and crossed over on the west side and went to the herd of cattle.
Q How far up did you go until you crossed? A Well I couldn't say, a mile and a half or such a distance.
Q Do you know whether or not there was anyone living down on the fork where Big Creek flows into the Verdegris? A I saw no evidence of any settlement or habitation and I paid pretty close attention and didn't see anyone living there.
Q But you don't know that there was no one living there? A I couldn't say positively.
Q How far east did you continue to go up Snow Creek? A Well I went right up the Creek, followed right up the river until near the mouth of the creek and then went up the creek about a mile and a half.
Q Never did go any farther? A No crossed there to the bunch of cattle the creek was running northeast at that point.
Q The cattle were on the northeast part of the prairie? A Yes, sir.

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Q Never did go any farther? A We crossed there to the bunch of cattle the creek was running northeast at that point.
Q The cattle were on the northeast part of the prairie? A Yes, sir.

Q About how far? A One half mile or somewheres along there.
Q After you found those cattle did you return to Claremore? A I just rode into the bunch of cattle and than I turned and went back down the river.

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The Cherokee Nation asks that the testimony taken of Aaron Whitwire and James M. Keys on this date be made a part of the record in the case of Frank Love, F. D. 879; Sarah Robinson, F. D. 476; Larkin Powell, F. D. 475; Polly A. Canard, F. D. 814.

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Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 23rd day of December, 1904, and that the above is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Opal Griggs.

Subscribed and sworn to before me this 31st day of December, 1904.

(Signed) Charles H. Sawyer.
Notary Public.

(SEAL)

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the five civilized tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 18 day of January, 1906.

Charles H Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Davis, et al., as Cherokee Freedmen, consolidating the applications of:

Jackson Davis, et al.,	Cherokee Freedmen D 453,
Sallie Whitmire, et al.,	Cherokee Freedmen D 454,
John D. Davis,	Cherokee Freedmen D 455,
William Davis,	Cherokee Freedmen D 456,
Ellen Bell, et al.,	Cherokee Freedmen D 457,
Mannie Bean,	Cherokee Freedmen D 740.

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D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Jackson Davis for himself and wife, Caroline Davis; by Sallie Whitmire for herself and minor grandchildren, Helen, Sarah, John, Jodie, and Charlie Ward; by John D. Davis for himself and wife, Katie Davis, by intermarriage. As the application for the enrollment of Katie Davis as a Cherokee freedman by intermarriage has heretofore been disposed of, she will not be embraced in this decision; by William Davis for himself; by Ellen Bell for herself and minor children, John O., Nora, Charlie (Jr.), Carrie, Buddie H., Sarah and Julia Blackburn; and by Mannie Bean for himself. The testimony of Elizabeth Jane Morris taken October 14, 1901, at Vinita, Indian Territory, in re application of Delilah Rowe, et al., for enrollment as Cherokee freedmen, case No. D 748, andof Aaron Whitmire and James M. Keys taken December 23, 1904, at Muskogee, Indian Territory, in re application of Charlotte French for enrollment as a Cherokee freedman, case No. D 1012, is filed herewith, and made a part of the record in this case.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Jackson Davis, Caroline Davis, Sallie Whitmire, John D. Davis, William Davis and Ellen Bell, were the slaves of Cherokee citizens at the commencement of the Rebellion; and that they were taken

from the Cherokee Nation during said Rebellion and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

The evidence further shows that the minor applicants, Helen, Sarah, John, Jodie, and Charlie Ward, are the children of one Howard Ward, a non-citizen of the Cherokee Nation, and Julia Ward, nee Bean, deceased, who was the daughter of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, and was a full sister of the applicant, Mannie Bean; and that the minor applicants, John O., Nora, Charlie Jr., Carrie, Buddie H., Sarah and Julia Blackburn (Blagburne), are children of the applicant, Ellen Bell, and one Charlie Blackburn (Blagburne) Sr. In Cherokee Freedman D. 275 (R 216), the said Charlie Blackburn (Blagburne) Sr., was denied enrollment as a Cherokee freedman, by the Commission, and on October 10, 1905, its action was approved by the Department.

The evidence further shows that the applicant, Mannie Bean, is a son of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, has been given ample opportunity, but has failed to appear before the Commission and establish whether or not he possesses any rights to enrollment as a Cherokee freedman through his said father. Consequently his application is brought within the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan, et al., (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ed Williams, (I.T.D. 4230-04), and Martha Albert et al., (I.T.D. 4732-04).

It is further shown that when the applicant, Mannie Bean, was about ten or eleven years old, his father, Ben Bean, since deceased, taking with him his family, removed from the Cherokee Nation, and for fifteen years continuously lived outside the limits of the Indian Territory, and that during said period said applicant, Mannie Bean, remained a member of and resided with, his father's family.

The evidence further indicates that subsequent to the family's removal from the Cherokee Nation, the said Julia Ward, nee Bean, now deceased, became the wife of one Howard Ward, a non-citizen of the Cherokee Nation, and that for a number of years they continuously resided in the State of Missouri, where their four oldest children were born, the youngest of which was three years old in 1901.

In view of these facts it is considered that even though the said Ben Bean, deceased, Julia Ward, nee Bean, deceased, and the said applicant, Mannie Bean, may have been at one time freedmen citizens of the Cherokee Nation, they have since forfeited their citizenship in said Nation, under Section II, Article I, Cherokee Constitution, which, in part, provides:

> "Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . . ."

None of the applicants herein nor the said Ben Bean, deceased, or Julia Ward, deceased, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

In re testimony as to return to the Cherokee Nation after the close of the war, of Jackson Davis and family, and Caroline Davis:

The applicant, Jackson Davis, experiences some difficulty in identifying his place of residence in the Cherokee Nation prior to his locating on Grand River, opposite the mouth of Cabin Creek. He testifies that he "Hammered" around on Big Creek and Rock Creek, for sometime before locating as above indicated. He further testifies that "he came back in '66", and introduces Sam Webber to prove this statement. Sam Webber testifies that they came to the Cherokee Nation together "in the fall of 1865", and that he left Jackson Davis on Horse Creek, while he (Sam), (1) "Went from Horse Creek on to Fort Gibson". (2) "Went from Horse Creek on to Coody's Bluff." (3) "Went from Horse Creek on to Fort Gibson." As Coody's Bluff and Fort Gibson are some eighty miles distant apart, and lie in different directions from Horse Creek, there appears little reason for this witness's confusion, had this trip to the Cherokee Nation, in fact, been made. There is little doubt but that the witness, Sam Webber, returned to the Cherokee Nation within the time specified in the Whitmire decree, and it is equally certain that his first trip to the Cherokee Nation after the Rebellion was made not earlier than August, 1866. He probably made a second trip from Kansas to the Cherokee Nation during the latter part of 1866, and a third some time in the spring of 1867. The testimony of numerous witnesses, interested and disinterested, who have testified before the Commission at different times and places, establish the above statement as practically correct.

The applicant, Jackson Davis, evidently intended to establish his return as in August or December of 1866, but in this his witness failed him, as he (Sam Webber), in connection with his testimony above indicated, further testifies that they did not return together in 1866, and that he did not see Jackson Davis during the year 1866, until "along late in the fall of '66, when they (Jackson Davis and family) came where we were over there" (on Big Creek) On behalf of the Cherokee Nation, Walter A. West testifies that Jackson Davis and family and one Tom Mayfield and family, came to the Cherokee Nation in February, 1869, and that Jackson Davis and family located "on the east side of the (Grand) river, near the mouth of Cabin Creek." This same witness, in the case of Thomas Mayfield, Cherokee Freedmen D 200, on behalf of the Cherokee Nation, testified to practically the same facts, and to the effect that Thomas Mayfield located on the east side of Grand river, opposite the mouth of Cabin Creek, is corroborated by Filmore Hicks, a witness for the said Thomas Mayfield. The Commission found, in Cherokee Freedmen D. 200, that the said Thomas Mayfield did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 13, 1904, its finding was approved by the Department. Disinterested witnesses testify that Jackson Davis and family did not leave Kansas prior

to the fall of 1867, and probably later, and this, in connection with the testimony of Walter A. West, together with the finding of the Commission on Cherokee Citizenship in 1871, that "Jack Davis" did not return in time, form a combination of circumstances that satisfactorily show that Jackson Davis and family did not comply with the treaty stipulations of 1866, relative to the return of freedmen to the Cherokee Nation.

The applicant, Caroline Davis, testified that after the close of the rebellion, she returned to the Cherokee Nation in company with "Henry Herrill" (merrill), and others. In Cherokee Freedmen 766 it was found by the Commission that the said Henry Merrill did not return to the Cherokee Nation, after the close of the rebellion, within the time specified in the Whitmire decree, and on October 18, 1904, its action was approved by the Department. She further testifies that upon her return in the summer of 1866, she stayed at Fort Gibson with Solomon Foster and family. The testimony of Aaron Whitmire taken in re application of Charlotte French, Cherokee Freedman D 1012, and which is made a part of the record in this case, shows that Solomon Foster did not return to the Cherokee Nation before December, 1866. Lewis Whitmire, in behalf of the applicant, Caroline Davis, testifies that after the war he first saw her during the winter of '66, at her mother's home near Tahlequah. The above indicated testimony of Aaron Whitmire shows that his brother, the said Lewis Whitmire, first came to the Cherokee Nation in August, 1866, stayed a few weeks in the immediate vicinity of Big Creek, and then returned to Kansas; that he came to the Big Creek country again in December, 1866, remained a few days in that vicinity, and a second time returned to Kansas, and did not again visit the Cherokee Nation until some time after the month of March, 1867. As the Big Creek country is some seventy-five or eighty miles northwest from Tahlequah, it is quite evident that Lewis Whitmire was not in the vicinity of Tahlequah prior to April or May, 1867.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Jackson Davis, Caroline Davis, Sallie Whitmire, Helen Ward, Sarah Ward, John Ward, Jodie Ward, Charlie Ward, John D. Davis, William Davis, Ellen Bell, John O. Blackburn, Nora Blackburn, Charlie Blackburn Jr., Carrie Blackburn, Buddie M. Blackburn, Sarah Blackburn, Julia Blackburn and Mannie Bean, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby

Dated at Muskogee, Indian Territory,

this Sep 29 1905

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Davis, et al., as Cherokee Freedmen, consolidating the applications of:

Jackson Davis et al.,	Cherokee Freedmen D 453,
Sallie Whitmire, et al.,	Cherokee Freedmen D 454,
John D. Davis,	Cherokee Freedmen D 455,
William Davis	Cherokee Freedmen D 456,
Ellen Bell, et al.,	Cherokee Freedmen D 457,
Mannie Bean,	Cherokee Freedmen D 740.

--:--

O R D E R .

It is ordered that a copy of the testimony of Aaron Whitmire, taken at Muskogee, Indian Territory, December 23, 1904, in re application of Charlotte French, Cherokee Freedman No. D-1012, be filed with and made a part of the record in the consolidated case of Jackson Davis, et al., Cherokee Freedmen No. D-453 et al.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tams Bixby.

Commissioner

Dated at Muskogee, Indian Territory,
this JAN 13 1905

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commissionto the Five Civilized Tribes, in the matter of the application of John D. Davis for enrollment as a Freedman of th Cherokee Nation, one copy of the original testimony of May 31st, 1901.

Mellette Smith

Attorney for Applicant.

Cherokee F. #D455.

No. 19

INDIAN TERRITORY,
CHEROKEE NATION

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of SEP 18 1901, 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 1901

Subscribed and sworn to before me this day of A. D. 1901

Notary Public.

NOTICE!

IN THE MATTER OF the application of John D. Davis for enrollment as a Cherokee citizen:

Case No. D 455

To John D. Davis or Mellette & Smith.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita I.T., Indian Territory, on Oct 11, 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 14 1901

L. B. Bell

W W Hastings

Attorneys for the Cherokee Nation.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Marlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John T. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dann, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazellrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the

Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED), James Bixby.
Chairman.

Incl. K-9.

COPY.

Cherokee Freedman
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John W. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Cheuteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Allen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D-205 et al.

Muskogee, Indian Territory, January 24, 1905.

Edgar Smith,

Attorney for Jane Bean et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Alvina Alberty, Alexander Claggett, Amanda Martin, Maud Manley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Rizzie Vann, Freddie Looney, Lucy Chouteau, Mahalay Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irven, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isom James, Alice Gunter, Katie Adair, Susan Daniels, and Levi Streud as Cherokee citizens by intermarriage.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-122.
Register.

COPY.

Cherokee Freedman
D-455.

Muskogee, Indian Territory, January 24, 1905.

Katie Davis,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Encl. L-51.

Register.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Cheuteam, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis

Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wave, Neema Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5242-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M:
W.

W. C. F.
FHE.

DEPARTMENT OF THE INTERIOR,

D. C. 20677-1905. WASHINGTON. April 17, 1905.

I. T. D. 2904-1905.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Nila Vann, Mary Markham, Frances Melton, John Betsen, Mary Jane Vann, Thomas Lowe, Nila Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Martin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John R. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mande Manley, George Reed, Sr., Buck Lodman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas R. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lana Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross,

Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 1905, the Indian Office recommends that your decision be approved. A copy of

its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-455.

Muskogee, Indian Territory, April 28, 1905.

Katie Davis,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED. Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-455.

Muskogee, Indian Territory, April 28, 1905.

Edgar Smith,

Attorney for Katie Davis,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the application for the enrollment of Katie Davis as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation.

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED Tams Bixby.

Chairman

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

COPY.

Cherokee
F D--455

Muskogee, Indian Territory, September 30, 1905.

John D. Davis,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, the application for the enrollment of yourself as a Cherokee freedman. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED:
Tams Bixby
Commissioner.

Incl. GL-58.
GHL

Register

Cherokee
F D-454 et al.

Muskogee, Indian Territory, September 30, 1905.

Edgar Smith,

Attorney for Sallie Whitmire et al.,

Vinita, IndianTerritory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, the applications for the enrollment of Sallie Whitmire, Helen, Sarah, John, Jodie, and Charley Ward, John D. Davis, William Davis, Ellen Bell, and John O., Nora, Charley Jr., Carrie, Buddie H., Sarah, and Julia Blackburn, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. GL-63.
GHL

REGISTER.

Cherokee
F D-453 et al.

Muskogee, Indian Territory, September 30, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applications for the enrollment as Cherokee freedmen of the applicants embraced in the consolidated applications of Jackson Davis et al., Cherokee Freedmen D-453 et al.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby
Commissioner.

Incl. GL-64.
GML

Muskogee, Indian Territory, September 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Jackson and Caroline Davis; Sallie Whitmire, and her grand-children, Helen, Sarah, John, Jodie, and Charlie Ward; John D. Davis; William Davis; Ellen Bell and her children, John C., Nora, Charlie, Carrie, Buddie H., Sarah, and Julia Blackburn; and Nannie Bean, as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting said applications.

Respectfully,

Tams Bixby.
Commissioner.

Incl. CL-65.
GHL

Through the
Commissioner of Indian Affairs.

(C O P Y)

Land
78759-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated September 30, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Jackson Davis for himself and his wife, Caroline Davis; by Sallie Whitmire for herself and her minor grandchildren, Helen, Sarah, John, Jodie and Charlie Ward; by John D. Davis for himself; by William Davis for himself; by Ellen Bell for herself and her minor children, John O., Nora, Charlie (Jr.), Carrie, Buddie H., Sarah and Julia Blackburn, and by Mannie Bean for himself.

September 29, 1905, the Commissioner decided adversely to all the applicants.

The record shows that the applicants, Jackson Davis, Caroline Davis, Sallie Whitmire, John D. Davis, William Davis and Ellen Bell were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war, and did not return thereto and establish a residence therein on or before February

11, 1867.

The record further shows that the minor applicants, Helen, Sarah, John, Jodie and Charlie Ward are the children of one Howard Ward, a non-citizen of the Cherokee Nation, and Julia Ward, born Bean, deceased, who was the daughter of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, and was a full sister of the applicant, Mannie Bean; and that that the minor applicants, John O., Nora, Charlie, Jr., Carrie, Buddie H., Sarah and Julia Blackburn (Blagburne), are children of the applicant, Ellen Bell, and one Charlie Blackburn (Blagburne) Sr.

On October 10, 1903, the Department approved the action of the Commission denying the enrollment of Charlie Blackburn (Blagburne) as a Cherokee Freedman.

The record further shows that the applicant, Mannie Bean, is a son of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, has been given ample opportunity, but has failed to appear before the Commission and establish whether he possesses any rights to enrollment through his father. It is further shown that when Mannie Bean was about ten or eleven years of age, his father, Ben Bean, since deceased, removed with his family from the Cherokee Nation, and for fifteen years continuously resided outside the limits of the Indian Territory, and that Mannie Bean remained a member of, and resided with, his father's family; that subsequent to

the family's removal, Julia Ward, born Bean, now deceased, became the wife of one Howard Ward, a non-citizen of the Cherokee Nation, and that for a number of years they continuously resided in the State of Missouri, where their four eldest children were born. None of the applicants, or Ben Bean or Julia Ward is identified on the 1880 authenticated Cherokee roll or the Cherokee Census Roll of 1896.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.(W)

Muskogee, Indian Territory, August 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a reply of the Cherokee Nation to a motion for a rehearing in the Cherokee freedman case of Jackson Davis, et al, D. 453, et al. Copy of this reply is shown to have been served on Starr and Patten, Vinita, Indian Territory, attorneys for applicants. The records of this office fail to show that a motion for a rehearing in this case has been filed with it.

The decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applicants embraced in the Cherokee freedman enrollment case of Jackson Davis, et al, was, together with the record of proceedings had in the case, forwarded to the Department on September 30, 1905.

Respectfully,

Commissioner.

Encl. N.A.22-2.

Through the Commissioner
of Indian Affairs.

(COPY)

D.C.53175-1906. J.F.jr.

DEPARTMENT OF THE INTERIOR LLB

WASHINGTON.

I.T.D. 8339-1905.
13508- "
15332- "
10017-1906.
17176- "

November 30, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On October 13, 1905 (Land 78759), the Indian Office transmitted your report dated September 30, 1905, forwarding the record in the matter of the applications for enrollment as Cherokee freedmen by Jackson Davis for himself and his wife, Caroline Davis; by Sallie Whitmire for herself and her minor grandchildren, Helen, Sarah, John, Jodie, and Charlie Ward; by John D. Davis for himself; by Ellen Bell for herself and her minor children, John O., Nora, Charlie, Jr., Carrie, Buddie N., Sarah, and Julia Blackburn, and by Mannie Bean for herself. Accompanying this record is your decision dated September 29, 1905, adverse to all of the applicants.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for review in this case. This motion is considered to be without merit and is hereby denied.

On November 4, 1905, the attorneys for the applicants protested against your decision adverse to these applicants.

On November 15, 1905, the Indian Office transmitted a communication dated November 8, 1905, from the attorneys for the nation, filing argument in reply to the protest of the applicants' attorney.

On august 10, 1906, the attorneys for the applicants filed a motion for rehearing in order that further testimony might be introduced in behalf of the applicants.

On September 11, 1906, the Indian Office transmitted your letter dated August 22, 1906, forwarding the reply of the nation to the motion for rehearing.

The Department has considered the motion for rehearing. The supporting affidavits show no new evidence which by diligent search could not have been discovered prior to the closing of the case. The evidence desired to be introduced appears to be merely cumulative, and being negative in character would be ineffective.

Said motion is hereby denied.

An examination of the testimony in the case discloses no error in your decision.

The preponderance of evidence establishes the fact that the principal applicant did not remove to and take up his residence in the Cherokee Nation as contemplated by the treaty of 1866 and the act of Congress approved April 26, 1906 (34

Stat., 137). This, together with the presumption raised by the decision of the Supreme Court of the Cherokee Nation, dated June 8, 1871, adverse to the principal applicant in this case, is decisive.

Your decision is affirmed.

The record, motion and accompanying papers have been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

1 inc.12 inclosures to I.O.

Through the Commissioner
of Indian Affairs.

Cherokee Freedmen
D 453 et al.

Muskogee, Indian Territory, December 12, 1906.

Blue & Bulger,

Attorneys for Jackson Davis et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applications for enrollment of Jackson Davis, et al. as Cherokee freedmen, was affirmed by the Department on November 30, 1906. Your motions for review of said cases filed September 7, 1905, and for rehearing filed August 10, 1906, were denied by the Department on the same date.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Commissioner.

Encl.B-55
L.M.B.

Cherokee Freedmen
D 453 et al.

Muskogee, Indian Territory, December 12, 1906.

Blue & Bulger,

Attorneys for Jackson Davis et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applications for enrollment of Jackson Davis, et al. as Cherokee freedmen, was affirmed by the Department on November 30, 1906. Your motions for review of said cases filed September 7, 1905, and for rehearing filed August 10, 1906, were denied by the Department on the same date.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Encl.B-53
L.M.B.

Commissioner.

Cherokee Freedmen
D 453 et al.

Muskogee, Indian Territory, December 12, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applications for enrollment of Jackson Davis, et al. as Cherokee freedmen, was affirmed by the Department, November 30, 1906. A motion for review in said cases filed by attorneys for applicants on September 7, 1905, and a motion for rehearing filed on August 10, 1906, were denied by the Department on the same date.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Encl.B-54
L.M.R.

Commissioner.

Cherokee Freedmen
D 455

Muskogee, Indian Territory, December 12, 1906

John D. Davis,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, your application for enrollment as a Cherokee Freedman, was affirmed by the Department on November 30, 1906, and a motion for review of said case filed by your attorneys September 7, 1905, and a motion for rehearing filed August 10, 1906, were denied by the Department on the same date.

Respectfully,

L M B

Commissioner

Cherokee Freedmen
D 455

Muskogee, Indian Territory, December 12, 1906

John D. Davi s,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, your application for enrollment as a Cherokee Freedman, was affirmed by the Department on November 30, 1906, and a motion for review of said case filed by your attorneys September 7, 1905, and a motion for rehearing filed August 10, 1906, were denied by the Department on the same date.

Respectfully,

L M B

Commissioner

(C O P Y)

D.C.55755-1906. GAW

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land
110388-1906. WASHINGTON. December 22, 1906.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Sir:

Referring to your communication of the 15th instant, there is inclosed herewith a copy of Office letter of October 13, 1905, reporting upon the Cherokee freedman case of Jackson Davis, et al.

Very respectfully,

(Signed) Frank M. Conser,

Chief Clerk.

WSE:LM

J. J. 45-5

GOVERNMENT OF THE
ON TO THE CIVILIZED
MAY 31 1901

Recorded on page
276 Book (13.) Records of
Marriages of Cooweescoowee
Dist Cherokee nation this the 14th
Day of May 1894

J. E. M. Tahoy Clerk

Cooweescoowee District.

C.N.

What therefore God

hath joined together,

LET NOT MAN PUT ASUNDER.

This Certifies

that John D. Davis and Catherine Pierce

were united in

MARRIAGE

By me, according to the ordinance of GOD and the LAWS of Indian Territory at the Residence of Josiah on the 23rd day of April in the year of OUR LORD, One Thousand Eight Hundred and Ninety Four

Witness: Josh S.

Samuel Checker

H M Crider Publisher York Pa

SION TO THE FIVE C
FILED
MAY 31 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN

Date May 31st 1901

Post Office Hayden I.T.

District Tenn

1. Name John R. Davis Age 50

Owner's name Robert French Citizenship Cherokee

Year N.C. Page 103 No. 2569 District Tenn

Parents:

Father Jack Davis Citizenship Cherokee

Mother Lizzie " Citizenship "

2. Name of wife Katie Davis Age 41

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Yes Stenographer B. H. Rothenberger

Yes by H. C. Rule as John Davis

Yes on Wallace Rule ~~NB~~ 110, No 9329. J. J. Davis, Tenn. Dist

MAY 31 1901

Represented by Mellette & Smith, Vinita, I.T.

Ref to 10 A 53

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. John D. Davis,
Hayden, I.T.
Cherokee F-D-455
Register.

Department of the Interior.

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D-14,
Henry Thomas,	Cherokee Freedmen D-38,
Ella Vann,	Cherokee Freedmen D-70,
Mary Markham,	Cherokee Freedmen D-103,
Frances Melton,	Cherokee Freedmen D-110,
John Dotson,	Cherokee Freedmen D-111,
Mary Jane Vann,	Cherokee Freedmen D-115,
Thomas Lowe,	Cherokee Freedmen D-119,
Ella Mayfield,	Cherokee Freedmen D-124,
Sallie Rider,	Cherokee Freedmen D-147,
Reuben Campbell,	Cherokee Freedmen D-167,
Van Jackson Luther,	Cherokee Freedmen D-174,
Cassie Midleton,	Cherokee Freedmen D-178,
Mary Martin,	Cherokee Freedmen D-179,
Nellie Fields,	Cherokee Freedmen D-185,
John Kimbo,	Cherokee Freedmen D-190,
William S. Madden,	Cherokee Freedmen D-199,
Jane Bean,	Cherokee Freedmen D-206,
Albert T. Thomas,	Cherokee Freedmen D-249,
Mary Campbell,	Cherokee Freedmen D-250,
Caroline Daniels,	Cherokee Freedmen D-262,
Melvina Alberty,	Cherokee Freedmen D-267,
Dave Morris,	Cherokee Freedmen D-268,
Alexander Chuggett,	Cherokee Freedmen D-303,
Amanda Martin,	Cherokee Freedmen D-304,
Elna Martin,	Cherokee Freedmen D-307,
John E. Barnes,	Cherokee Freedmen D-315,
Bell Davis,	Cherokee Freedmen D-334,
Samuel Brown,	Cherokee Freedmen D-345,
Howard F. Watson,	Cherokee Freedmen D-347,
Jack McConnell,	Cherokee Freedmen D-349,
Maude Manley,	Cherokee Freedmen D-356,

George Reed, Sr.,	Cherokee Freedmen D—382,
Buck Ledman,	Cherokee Freedmen D—406,
Bell Thompson,	Cherokee Freedmen D—411,
Lewis Scott,	Cherokee Freedmen D—420,
Abe Scott,	Cherokee Freedmen D—421,
Kender Lampton,	Cherokee Freedmen D—423,
Thomas E. Allen,	Cherokee Freedmen D—424,
Lewis Vanderford,	Cherokee Freedmen D—426,
John L. Bowlin,	Cherokee Freedmen D—444,
Katie Davis,	Cherokee Freedmen D—455,
Charles Williams,	Cherokee Freedmen D—473,
John J. Rose,	Cherokee Freedmen D—474,
Jane Martin,	Cherokee Freedmen D—486,
Lena Peterson,	Cherokee Freedmen D—490,
Alex Johnson,	Cherokee Freedmen D—493,
Martha Vann,	Cherokee Freedmen D—495,
John Scott,	Cherokee Freedmen D—501,
Nancy Ross,	Cherokee Freedmen D—513,
Charles C. Smith,	Cherokee Freedmen D—514,
Susie Colbert,	Cherokee Freedmen D—520,
William Skaggs,	Cherokee Freedmen D—545,
Susie Johnson,	Cherokee Freedmen D—546,
Alfred P. Hopkins,	Cherokee Freedmen D—550,
Kizzie Vann,	Cherokee Freedmen D—552,
Freddie Looney,	Cherokee Freedmen D—573,
Lucy Chouteau,	Cherokee Freedmen D—584,
Alice Durant,	Cherokee Freedmen D—588,
Mahaley Ward,	Cherokee Freedmen D—608,
Fred D. Thomas,	Cherokee Freedmen D—650,
Bettie Beck,	Cherokee Freedmen D—665,
Ellis Warren,	Cherokee Freedmen D—667,
Millie Robinson,	Cherokee Freedmen D—674,
Mary Webber,	Cherokee Freedmen D—691,
Frances Martin,	Cherokee Freedmen D—692,
Mary Riley,	Cherokee Freedmen D—696,
Emanuel Taylor,	Cherokee Freedmen D—699,
Henry Sykes,	Cherokee Freedmen D—733,
Larkin P. Powell,	Cherokee Freedmen D—735,
Stepney Dawn,	Cherokee Freedmen D—736,
Malinda Vann,	Cherokee Freedmen D—741,
Frances Johnson,	Cherokee Freedmen D—742,
Annie Foster,	Cherokee Freedmen D—743,
Mary H. Rogers,	Cherokee Freedmen D—752,
George Washington Lane,	Cherokee Freedmen D—758,
Jane Brown,	Cherokee Freedmen D—760,

Samuel L. Young,	Cherokee Freedmen D—761,
John Buckner,	Cherokee Freedmen D—780,
Willis Cox,	Cherokee Freedmen D—781,
Leonard Bowles,	Cherokee Freedmen D—787,
Malinda Murrell,	Cherokee Freedmen D—788,
Charles Claggett,	Cherokee Freedmen D—789,
Samuel Irven,	Cherokee Freedmen D—798,
Mary Ross,	Cherokee Freedmen D—799,
Maggie Nave,	Cherokee Freedmen D—808,
Neoma Nave,	Cherokee Freedmen D—816,
Ella Ross,	Cherokee Freedmen D—840,
Elizabeth Duncan,	Cherokee Freedmen D—871,
Sadie Adams,	Cherokee Freedmen D—880,
Georgeana Archer,	Cherokee Freedmen D—901,
John Claggett,	Cherokee Freedmen D—912,
Hattie Smith,	Cherokee Freedmen D—923,
Jack Jackson,	Cherokee Freedmen D—938,
Lula Sanders,	Cherokee Freedmen D—973,
George Hazelrig,	Cherokee Freedmen D—987,
Lizzie West,	Cherokee Freedmen D—990,
Maria French,	Cherokee Freedmen D—1010,
Mary Johnson,	Cherokee Freedmen D—1039,
Maggie Vann,	Cherokee Freedmen D—1062,
William Hudson,	Cherokee Freedmen D—1067,
Sarah Rogers,	Cherokee Freedmen D—1078,
Abraham Ballard,	Cherokee Freedmen D—1082,
Laura David,	Cherokee Freedmen D—1085,
John Deckman,	Cherokee Freedmen D—1105,
James B. Perry,	Cherokee Freedmen R— 39,
Isaac Welsh,	Cherokee Freedmen R— 45,
Lawson Logan,	Cherokee Freedmen R— 48,
George Howell,	Cherokee Freedmen R— 56,
Henry Masin,	Cherokee Freedmen R— 72,
George Adams,	Cherokee Freedmen R— 82,
Annie Thomas,	Cherokee Freedmen R— 83,
Lewis McConnell,	Cherokee Freedmen R— 86,
Callie Vann,	Cherokee Freedmen R— 94,
Lou Peters,	Cherokee Freedmen R— 96,
Ida Adair,	Cherokee Freedmen R— 99,
Robert Brown,	Cherokee Freedmen R—100,
Allie Chambers,	Cherokee Freedmen R—102,
Isom Jones,	Cherokee Freedmen R—104,
Alice Gunter,	Cherokee Freedmen R—105,
Katie Adair,	Cherokee Freedmen R—106,
Carrie Martin,	Cherokee Freedmen R—107,

Benjamin Clark,	Cherokee Freedmen R—108,
Emily Lobney,	Cherokee Freedmen R—110,
John Groves,	Cherokee Freedmen R—112,
Matilda McNair,	Cherokee Freedmen R—117,
Bettie Vann,	Cherokee Freedmen R—122,
Nelson Lett,	Cherokee Freedmen R—125,
Fannie Rogers,	Cherokee Freedmen R—129,
William Washington,	Cherokee Freedmen R—131,
Squire Warren Owens,	Cherokee Freedmen R—143,
Fannie Goldsby,	Cherokee Freedmen R—144,
Susan Daniels,	Cherokee Freedmen R—146,
Anderson Turk,	Cherokee Freedmen R—148,
David Lane,	Cherokee Freedmen R—156,
Felix McClain,	Cherokee Freedmen R—165,
Henderson Jones,	Cherokee Freedmen R—173,
Belle Vann,	Cherokee Freedmen R—181,
Levi Stroud,	Cherokee Freedmen R—196,
John Sumpter,	Cherokee Freedmen R—311,
Mariah Thompson,	Cherokee Freedmen R—330,
Ellen Sheppard,	Cherokee Freedmen R—337,
Lula Melton,	Cherokee Freedmen N—347.

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Midleton for his wife, Cassie Midleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard P. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as cit ens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Midleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeana Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
31 1901

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED
FILED
1901

SERIES A.

Act of November 5th 1892

NO ..... CHEROKEE NATION, ... District.

Permission is hereby granted ..... a citizen

of the CHEROKEE NATION, to employ ..... as a

..... for the term of ONE MONTH from this date.

FIFTY **"No permit shall be issued for a longer period than Dec. 31, of the year in which the permit is issued."** CENTS.

Given under my hand and seal of office, this the ..... day of ..... 189..

CLERK ..... DISTRICT.

Countersigned: ..... TREASURER CHEROKEE NATION.

SERIES A.

Act of November 5th 1892

NO ..... CHEROKEE NATION, — [illegible] DISTRICT.

Permission is hereby granted [illegible] a citizen of the CHEROKEE NATION, to employ [illegible] as a [illegible] for the term of ONE MONTH from this date.

FIFTY "No permit shall be issued for a longer period than Dec. 31, of the year in which the permit is issued. CENTS.

Given under my hand and seal of office, this the [illegible] day of [illegible] 189[illegible]

[illegible]

CLERK [illegible] DISTRICT.

Countersigned: [illegible]

TREASURER CHEROKEE NATION.

SERIES A.

Act of November 5th 1892

NO ..... CHEROKEE NATION, — [illegible] DISTRICT.

Permission is hereby granted [illegible] a citizen of the CHEROKEE NATION, to employ [illegible] as a [illegible] for the term of ONE MONTH from this date.

FIFTY "No permit shall be issued for a longer period than Dec. 31, of the year in which the permit is issued. CENTS.

Given under my hand and seal of office, this the [illegible] day of [illegible] 189[illegible]

[illegible]

CLERK [illegible] DISTRICT.

Countersigned: [illegible]

TREASURER CHEROKEE NATION.

C.F.L. 4458

SERIES A.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 31 1901
ACTING CHAIRMAN.

Treasurer Cherokee Nation

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 31 1901

SERIES A. ACT OF NOVEMBER 5, 1892. **NO.**

CHEROKEE NATION, COOWEESCOOWEE DISTRICT.

Permission is hereby granted [illegible], a citizen of the Cherokee Nation, to employ [illegible] as a [illegible] for the term of One Month from this date.

"No permit shall be issued for a longer period than December 31 of the year in which the permit is issued."

Given under my hand and seal of office, this, the [illegible] day of [illegible] 189[illegible]

[illegible]

Clerk COOWEESCOOWEE District.

COUNTERSIGNED: [illegible] Treasurer Cherokee Nation.

FIFTY CENTS

ARROW PRINT, TAHLEQUAH.

SERIES A.

Act of November 5th 1892

NO ..... CHEROKEE NATION, COOWEESCOOWEE District.

Permission is hereby granted X. L. Davis a citizen

of the CHEROKEE NATION, to employ Ed. Fuller as a

farmer for the term of ONE MONTH from this date.

FIFTY CENTS.

"No permit shall be issued for a longer period than Dec. 31, of the year in which the permit is issued.

Given under my hand and seal of office, this the 1st day of June 1895

V E McGahan

CLERK COOWEESCOOWEE DISTRICT.

Countersigned: [illegible]

TREASURER CHEROKEE NATION.

DEPARTMENT
COMMISSION TO THE FIVE CIVILIZED
FILED
MAY 31 1901
ACTING CHAIRMAN.

DEPARTM
COMMISSION TO

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

ACTING CHAIRMAN.

SERIES A. ACT OF NOVEMBER 5, 1892. NO.

CHEROKEE NATION, _____ DISTRICT.

Permission is hereby granted _____, a citizen of the Cherokee Nation, to employ _____ as a _____ for the term of One Month from this date.

"No permit shall be issued for a longer period than December 31st of the year in which the permit is issued."

Given under my hand and seal of office, this, the _____ day of _____ 189_

Clerk _____ District.

Treasurer Cherokee Nation.

COUNTERSIGNED:

ARROW PRINT TAHLEQUAH.

SERIES A.

Act of November 5th 1890.

COWEESCOOW.

FIFTY

"No permit shall be issued for a longer period than Dec. 31, of the year in which the permit is issued.

CENTS.

COWEESCOOW

Countersigned:

TREASURER CHEROKEE NATION.

Cher. Fr. R. 899

Trans. from Cher. Fr. D. 456

Cher. Fr. R. 899

Department of the Interior.
Commission to the Five Civilized Tribes.
Chelsea, I. T., May 31, 1901.

In the matter of the application of William Davis for the enrollment of himself, his wife, Emma Davis, and his nine children as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows: Mellette & Smith, Attorneys for Applicants.

Q What is your name? A William Davis.
Q What is your age? A I was born they tell me in the year '54.
Q How old would that make you? A About 46.
Q What is your postoffice address? A Hayden.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled by any other nation or tribe? A No sir.
Q Who do you want to enroll besides yourself? A My wife and nine children.
Q What is the name of your wife? A Emma Davis.
Q How old is she? A She must be about 43, I guess, or four.
Q Is she a citizen? A Yes sir.
Q Is her name on the roll of 1880? A Yes sir.
Q What is her father's name? A Ike Glass.
Q Is he living? A No sir, he is dead.
Q What is her mother's name? A Betsy Whitmire.
Q Is she living? A No sir, she is dead.
Q Is your name on the roll of 1880? A No sir, I don't think it is.
Q Is your name on any of the rolls of the Cherokee Nation? A On the Wallace and Clifton Roll.
Q Give me the names of your children under 21 years of age and unmarried? A Joseph Davis.
Q How old is he? A He was born April 7, 1882.
Q How old would that make him? A 19, I think.
Q The next child? A William Davis, Jr. He was born in '83 - 18 years old. Bertie Davis.
Q How old is Bertie? A Jan. 3, 1885 - 16 years old.
Q The next one? A Chester Davis.
Q How old is he? A Born on March 18, 1886 - 15 years old.
Q Well? A Julia Davis.
Q How old is Julia? A Oct. 10, 1887 - 14.
Q The next one? A Jeanette, Dec. 15, 1889 - 12 years old.
Q Well? A Henry Davis.
Q How old is Henry? A June 21, 1892 - 9 years old. Oscar, seven years old; Carrie, two years old.
Q Is Emma, the mother of all these children? A Yes sir.
Q You never were marrued but once? A Not but once.
By Edgar Smith: How does your wife Emma claim; is she a Freedman, herself? A Yes sir, she was born before the war; she is a Freedman herself.
Q When were you and Emma married? A We was married in -
Q About how many years ago? A About 21 years ago; we were married in the spring of '79.
Q What is your age? A 46 years of age.
Q Is the Jackson Davis who applied here for enrollment this afternoon your father? A Yes sir.
Q And who was your mother? A Julia Davis. Julia French rather; her owner was French before the war.
Q And you were born a slave, were you? A Yes sir, I was born before the war.
Q Whose slave? A I belonged to Bob and Margaret French.
Q They were Indians? A Mrs. French was, and Mr. French was a white man.
Q Where did you live before the war? A In Flint District, Cherokee Nation.
Q Were you taken out of the Cherokee Nation during the war? A Well, we stayed at Gibson most all during the war, and we went out about the close of the war.
Q What time did you get back? A We came back here right away after the war in '66.

Q Who did you come back here with - who came with you? A We came back here with father and uncle, Sam Webber, and young Sam.
Q Which one of your brothers and sisters were with you? A All of them was with us as well as I can recollect. I think they were all along.
Q You were about how old then? A I guess I was about 12 or 13 years old, I guess. I don't know exactly then.
Q Where have you lived since you came back in '66? A We have lived in the nation ever since;first one place and then another.
Q You have lived in the Cherokee Nation ever since? A Yes sir.
Q Where are you living now? A Up here on Lightning Creek.
Q How long have you lived there? A I have been there about 14 years, I think.
Q Have you a farm there? A Yes sir
Q How long have you had it? A I think I settled there in '86.
Q It belonges to you? A Yes sir.
Q How much is it work, the improvements? A I couldn't value it. I guess it is worth three or four thousand dollars some where along there.
Q Have you been recognized by the Cherokee authorities as a citizen of the Cherokee Nation? A Yes sir, to a certain extent.
Q Have they allowed you to vote? A Yes sir.
Q Have they allowed you to vote ever since you were old enough to vote? A Yes sir.
Q Have they ever issued you any permits? A Yes sir.
Q Have you them with you? A ~~Yes sir~~ No sir.
Q Are you on the Kerns Clifton Roll? A Yes sir.
Q Is your wife on the Kerns Clifton Roll? A All of us except these last two children.
Q Did you draw money for all of them? A Yes sir, all but one that was old enough; he was dropped from the roll in some way, Oscar. We didn't get his money.
Q Are you or your wife either one of you on the Wallace Roll? A All of us are on the Wallace Roll.

The 1880 authenticated roll examined and the name of the applicant not found thereon.
The 1896 census roll examined and the names of the applicants not found thereon.
The Kerns Clifton Roll examined and the names of the applicants are found thereon as follows:
Page 103, No. 2571, Will Davis, Cooweescoowee Dist.
Page 27, No. 676, Emily Davis, nee Whitmire, Cooweescoowee District.
Page 27, No. 677, Joe Davis, Cooweescoowee District.
Page 27, No. 678, William Davis, Cooweescoowee District.
Page 27, No. 680, Bertie Davis, Cooweescoowee District.
Page 27, No. 679, Chester Davis, Cooweescoowee District.
Page 27, No. 681, Julia Davis, Cooweescoowee District.
Page 27, No. 682, Jeanetta Davis, Cooweescoowee District.
Page 27, No. 683, Henry Davis, Cooweescoowee District.

Commissioner:
Q Did your wife ever have a child named Jack? A Yes, it is dead.

The 1880 authenticated roll examined and the name of the applicant's wife is found on page 249, No. 854, Emily Davis, Delaware District.
The Wallace Roll examined and the names of the applicants are found thereon as follows:
Page 112, No. 2369, William Davis, District unknown.
Page 112, No. 2370, Emma Davis, " "
Page 112, No. 2371, Joseph Davis, " "

Q Are these children all living at this time? A Yes sir, all alive.
Q All the children of your wife, Emma? A Yes sir, all of them.
Q And your wife Emma living? A Yes sir.
Q Has she always lived in the Cherokee Nation? A Yes sir.
Q Living here now? A Yessir.

A. B. Bell: Who went out of the Cherokee Nation with you during the war? A Well, we stayed in Gibson all during the war, and we went out the latter part of the war with the government teams.
Q Where did you go? A Up in Kansas.
Q Was your father with you? A No sir.
Q Where did you find your father? A Up in Kansas.
Q Where did you live there? A We didn't live there very long; we lived in Fort Scott a little while.
Q Where was you living when you left Kansas to come down to the nation when you returned? A Just a little above Fort Scott.
Q Was there a name to the town? A We were close to Mound City, this side.
Q How far from Mound City? A About eight or ten miles.
Q You come along with your father when he moved down the first time? A Yes sir.
Q How old was you at that time? A I couldn't tell you Mr. Bell; I guess I was about 12 or 13 years old; I didn't know exactly my age.then.
Q You remember the circumstances of coming down? A Yes sir.
Q You recollect anybody that come along? A Yes sir. Mr. Webber come along.
Q Old man Webber? A Yes sir, and young Sam Webber and Abe Hare.
Commissioner: Did you return with your father? A Yes sir.

William Davis applies for the enrollment of himself, his wife, Emma, and nine children, towit: Joseph, William, Jr., Bertie, Chester, Julia, Jeanette, Henry, Oscar and Carrie. The name of the applicant is not found upon the authenticated roll of 1880, but he is identified upon the Kerns Clifton Roll and the Wallace Roll. He makes satisfactory proof as to his residence, and reference is made to the testimony of his father, Jackson Davis, who has this day been listed for enrollment as a Cherokee Freedman on D Card 453, and the testimony taken in said case will be made a part of the record in the case at bar, and a copy of the testimony will be filed with the testimony now being taken. For the reason that said William Davis is not found upon the roll of 1880 and the protest of the Cherokee Nation, William Davis will be listed for enrollment as a Cherokee Freedman on a doubtful card for further consideration of the Commission. His wife, Emma, is duly identified upon the authenticated roll and the Kerns Clifton Roll and the Wallace Roll. The names of his seven eldest children are fully identified on the Kerns Clifton Roll. They all make satisfactory proof as to residence, and satisfactory proof as to her citizenship, consequently Emma Davis and her nine children as enumerated herein will be listed for enrollment as Cherokee Freedmen on a straight card; he having made satisfactory proof of births of two younger children, Oscar and Carrie, whose names do not appear upon any roll.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

C. J. Rothenberger

Subscribed and sworn to before me this 3rd day of June, 1901.

D. B. Bell
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 31 1901

Chairman.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, T. B. McAlister,
Commissioner.

Signed, J. O. Hobson,
Stenographer.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, T. B. McAlister,
Commissioner.

Signed, J. O. Hobson,
Stenographic notes
transcribed and comprise the entire and complete transcript of the
testimony.

File with Cherokee Freedman D- 4[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 31, 1901.

In the matter of the application of Jackson Davis for the enrollment of himself and his wife, Caroline Davis, as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, Attorneys for Applicant.

Q What is your name? A Jackson Davis.
Q How old are you? A 74.
Q What is your postoffice address? A Adair.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A My wife and four or five children.
Q Have you got any children under 21 years of age? A Yes sir.
Q Unmarried? A No sir, none unmarried.
(Children will apply for themselves.)
Q What is your wife's name? A Caroline.
Q How old is she? A About 53, I believe it is.
Q Have you and your wife ever been recognized as Cherokee Freedmen?
A Well, I have been one portion.
Q Are your names on the roll of 1880? A I don't know whether it is or not.
Q Is it on any of the rolls of the Cherokee Nation? A It ought to be there; I dont know sir.
By Mr. Smith: Well, Jack, are you on the Kerns Clifton Roll? A I suppose I am.

The 1880 authenticated roll and the 1896 census roll examined and the names of the applicants not found thereon.

The Kerns Clifton Roll examined and the names of the applicants are found thereon as follows:

Page 103, No. 2567, Jack Davis, Cooweescoowee district.
Page 103, No. 2568, Carrie Davis, Cooweescoowee District.

The Wallace Roll examined and the names of the applicants are found thereon as follows:

Page 110, No. 2331, Jackson David, Delaware District.
Page 111, No. 2346, Carrie Davis, Delaware District.

By Mr. Smith: What are the names of your children, Jack? A One is named Sallie, and William, John and Ellen and Lizzie; I only got five.
Q Are the girls married? A Yes sir, they are all married.
Q Give the names now of each one of the girls? A The oldest one is named Sallie.
Q Sallie what? A Sallie Whitmire.
Q What is the next girl's name now? A Lizzie Grimes; she is a widow.
Q The next girl? A Ellen Bell.
Q What are these papers you handed me, can you read? A No sir, I can't read or write.

Attorney for Applicant desires to offer permits issued by the Cherokee Nation to the applicant for laborers.

Com'r: He presents four permits issued by the Cherokee Nation, which will be filed.

By Mr. Smith: Were you a slave during the war? A I was a slave.
Q Whom did you belong to? A A man by the name of Dr. William Davis.
Q Now was he a Cherokee Indian? A No sir, he was a white man of a Cherokee family

Q Who was his wife? A Polly Burns, I think.
Q Do you remember? A I remember, but she has been dead so long.
Q Where were you living at the time the war broke out? A Flint District.
Q With the family you speak of? A Yes sir, I was raised with them
Q Did you go out of the nation during the war? A Yes sir.
Q Where did you go? A I went to Kansas, I was with the old army
Q When did you come back to the Cherokee Nation after the war?
A I come back in '66.
Q How many children did you have then? A Had all the children that I have got now.
Q Did you bring them back with you? A Not when I first come, I didn't bring them right in; I brought them afterwards. I first come myself and looked for a location and went back and got them.
Q Where did this man, Dr. Davis, you speak of, live? A He lived in Flint District.
Q Near what place? A Near Evansville.
Q Can you state what time of the year 1866 you came down? A Not exactly sir, it has been so long; I can't just exactly make a good statement of that.
Q Who did you come with? A I come with a man by the name of Mr. Webber and others.
Q What was Webber's first name? A Sam.
Q About how old do you think you are now? A I am just 74 years old last Christmas past. Christmas day was my birthday.
Q When did you and Caroline, your wife, marry? A We was together before the war, but we separated at the time of the war, and in slave time we lived together, and got together again; we were married before the war.
Q Is there anyone here who knows when Caroline came back to the Nation, do you know? A Yes sir, she was here with her mother and grandmother, here at Fort Gibson she claims; I wasn't living with her at that time.
Q Who did Caroline belong to? A A family by the name of George Whitmire.
Q Was he an Indian? A Yes sir.
Q Where did he live? A He lived down in Goingsnake District.
Q Near what place? A I couldn't tell you what place it is; what the name is; on the Baron Fork I believe it is.
Q Is your recollection as good as it used to be? A No sir, not near as good as it used to be; I don't remember; I can't keep things in my head.
Q You don't remember how old you are? A No sir, I don't remember, but we come pretty close to ~~fix~~ it.
L. B. Bell; Where did you start from in Kansas, Jack, when you started back to the Cherokee Nation? A I started from about fifteen miles above Fort Scott.
Q Who come with you? A Samuel Webber.
Q Well, where did you come to? A We come all down to Horse Creek, and all through the territory above here.
Q Where did you finally locate? A I stopped a while out towards Big Creek and located there a while and then it didn't suit me there, I left there after so long a time, I don't know how long I stayed there; there wasn't anything to eat and I hammered around in Big Creek a while.
Q Was it three or four weeks? A Yes, I reckon it was about that time.
Q And then where did you go? A I knocked about and I had to work for something to eat; I was scarce of money, and worked around wherever I could get labor to do on one place and another.
Q When you left Big Creek where did you go? A After so long a time I was on Rock Creek and I moved to Grand river.
Q You went to the mouth of Rock Creek then? A Yes sir. I dont

know how long; I was hard up then, and dates I couldn't keep them no how.

Q Which side of Grand river did you settle? A On the south side when I first settled there; I just rented around among them.

Q You said you went to Big Creek from the mouth of Rock Creek?

A You know I lived on the other side.

Q Where did you live at on the other side, we call it the east side on the side that Lynch's Prairie is on? A Yes, sir, on the east side.

Q Where did you live there the first year after you left Big Creek? A I lived with a man by the name of Wolf on his place, in a little house in the woods there.

Q Well then after you left Wolf, the next year where did you live?

A I stayed there two or three years with him; three I think.

Q Well, after you left Wolf where did you go? A Across the river.

Q On the place you are living now? A Yes, sir, on the place I am living now.

Q Been living there ever since? A Yes, sir

Q Never moved out and stayed five or six years? A No sir.

Q Never scouted none? A No sir, never scouted a day.

Q Didn't scout any when Pinkey got after you for tobacco? A No sir, didn't scout then.

Q You are pretty certain you stayed three years on the Wolf farm?

A I reckon about three years; I guess it was near three years I stayed over there. I didn't have no place; I was just renting around from those families from one and then another.

SAM WEBBER, being sworn by Commissioner Needles, and examined by Attorney Edgar Smith, testified as follows:

Q State your name? A Sam Webber.

Q What is your postoffice? A Nowata.

Q How long have you lived in the Cherokee Nation? A Ever since '66.

Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.

Q Are you on the ~~roll~~ 1880 roll? A Yes sir.

Q Do you know Jackson Davis, who is the applicant in this case?

A Yes sir.

Q How long have you known him? A I have seen him before the war, but just to know him; I never knowed him right good until the time of the war I got acquainted with him good.

Q Where did you see him before the war? A I seen him down here in the nation; he come to Big Creek.

Q You had some acquaintance with him before the war commenced?

A Yes sir, of course I was a little acquainted with him.

Q When did you first see him after the war? A In the time of the war you mean, don't you?

Q I mean when did you first see him after the war in the Cherokee Nation? A I seen him in '65; in the fall of '65.

Q Where abouts? A He come with us there to Horse Creek; my first trip to this country.

Q Was he married at that time in '65? A No sir, he wasn't married right then; he was a single man; he had his children you know.

Q Did you know his wife, Caroline? A I got acquainted with her too about that time or a little before.

Q Had you known her before the war or not? A I don't remember as I do before the war.

Q Do you know who Jack belonged to? A No sir, I don't really know who owned him.

Q Was he a slave before the war? A I suppose he was.

Q Do you know whether Caroline, his wife, was a slave or not?

A I suppose she was; I don't know.

Q I don't know whether you know or not. Do you know who she belonged to? A No sir, I don't know.

Q [illegible] you stay and how long did Jack Davis stay on

Q Who was with you at Coodys Bluff on the hunting trip? A Jesse Brown, John Strop, Lou May, Tobe Drew and son.
Q Where there two Jesse Brown's? A No sir, only one I know.
Q You said just now you left Jesse with your daddy? A No sir, I said Jesse and I went to Gibson.
Q You and Jesse left them there? A Yes sir.
Q When did you come down here and settle? A In the fall of '66.
Q Jack wasn't with you on that trip? A No sir, he didn't come down with me on that trip. He come shortly afterwards.

ABRAHAM HARE, being sworn by Commissioner Needles, and examined by Attorney Edgar Smith, testified as follows:
Q State your name? A Abrahem Hare.
Q What is your postoffice? A Wimer.
Q How long have you lived where you live now? A Well, about thirty years, maybe longer.
Q Are you a Cherokee Freedman? A Yes sir.
Q Do you know Jackson Davis? A Yes sir.
Q How long have you known Jack? A I have known him ever since he was a boy.
Q Did you know him before the war? A Yes sir.
Q Where was Jack then when you knew him before the war? A Way down here about east of Tahlequah, as nigh as I can come at it.
(Cherokee Attorney, L. B. Bell, states that: "It is conceded that he is a Cherokee Freedman!")
Q Did you go out of the Cherokee Nation during the war? A No sir.
Q When did you first see Jack Davis in the Cherokee Nation after the war? A Well, as nigh as I can come at it, it was '66, I guess: I met Chief Ross going to Washington, and we were coming in then.
Q Where did you see Jack then? A He was in the crowd with us.
Q What place? A At Neosho River, coming down.
Q Where did you go t? A We come down to Big Creek; part of us went to Big Creek and part went on to Gibson.
Q How many children did Jack have - what were their names? I remember some of the boys.
Q Who were they? A John and Will; they were small boys then.
Q Did he have some girls? A I don't remember. I think he did though.
Q Where did you make your location? A On Big Creek.
Q Have you been living in that neighborhood ever since? A No sir, pretty nigh it though. I lived down on Grand River about three years.
Q Have you known Jack Davis ever since that time? A Yes sir.
Q Where has he been living? A He has been down on Grand river part of the time and part of the time on Big Creek. He left Big Creek and went to Grand river.
L. B. Bell: What time of the year was it you met Chief Ross?
A In '66.
Q That was the year, but what time was it? A In the fall. I think it was in the fall; it was warm weather; summer. I called it fall.
Q It was along in the summer or fall, was it? A Yes sir.
Q Chief Ross, you mean old John Ross? A Yes sir.

Commissioner Needles: Jackson Davis applies for the enrollment of himself and his wife, Caroline. Upon examination of the rolls of 1880 his name cannot be found thereon. He and his wife are both duly identified on the Kerns Clifton Roll and the Wallace Roll according to page and number of the said

rolls as indicated in the testimony, and makes satisfactory proof as to residence. By reason of the fact that their names are not found upon the authenticated roll of 1880, and the further fact that their enrollment is protested by the Cherokee Nation, the said Jackson Davis and his wife, Caroline, will be listed for enrollment as Cherokee Freedmen on a doubtful card awaiting further consideration of the Commission. They will be notified of the decision of the Commission when rendered by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. G. Rothenberger.

Subscribed and sworn to before me this 3rd day of June, 1901.

Signed, T. B. Needles,
Commissioner.

- -

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 31st, 1901.

Supplemental Testimony in the matter of the enrollment of Jackson Davis as a Cherokee Freedman.

CARRIE DAVIS, being first duly sworn, by Commissioner T. B. Needles, testified as follows:

Appearances:
Mr. Smith, of Firm of Mellette & Smith, Attorneys for Applicants.
Mr. L. B. Bell, Cherokee Representative:

Examination by Mr. Smith:

Q State your name? A Carrie Davis now; I used to be Carrie Whitmire.
Q Is Jack Davis your husband? A Yes, sir.
Q How old are you? A I am 64 years old.
Q Were you a slave during the war? A Yes, sir.
Q To whom did you belong? A Belonged to George Whitmire.
Q Was George Whitmire an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Where did he live before the war? A Down in Going Snake on the Barren Fork.
Q Were you out there when the war came up? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war?
A Yes, sir.
Q When did you come back? A '65.
Q Where did you come to? A Fort Gibson.
Q Now, where have you been living since? A I was, since I have been living on Grand river, 35 years.
Q Been living on Grand river 35 years? A Yes, sir.
Q Now, you dont know of your own personal knowledge what time Jack Davis got back? A No, sir; I don't know just then he got back, I know where I found him.

By L. B. Bell:

Q Who was it you belonged to? A George Whitmire.

Q Where did you go when you went out? A I went to Fort Scott.
Q You went up to Kansas too? A Yes, sir.
Q When did you return? A I returned in the summer of '66.
Q Who come with you? A My old step-grandfather and Henry Herrill and another man by the name of Murray.
Q Henry Herrill? A Yes, sir.
Q Who was your grandfather? A Old uncle Daniel Sanders.
Q He is dead now? A Yes, sir, and my grandmother.
Q Your grandmother is dead isn't she? A Yes, sir, Tempa Sanders.
Q Is Anybody alive that come with you? A No, sir, but my brothers and sisters; my brothers lives at Gibson they come from the south.
Q What was their names? A Betsy Whitmire was my mother.
Q Is she alive? A No, sir, she is dead.
Q Now, who was down there at Gibson when you first got there?
A The first one I saw was Solomon Forester and his wife, Elizabeth Forester; I went to their house; that is where the first house I went to was Forester.
Q Did you know a woman that was down there by the name of Amanda Forester? A Yes, sir, I did.
Q Did you see anything of her when you went there? A Yes, sir; I saw her.
Q In '66; she was living there in '66? A Yes, sir, I was right there at her house.
Q Where did you start from when you started from Kansas?
A I started from Fort Scott.
Q That is where you were living? A That is where I was.
Q About how many with you in that crowd? A Four or five with me; I was down on the old Military road.
Q You come down the old Military road did you?
A Yes, sir, right by where you used to live.

By Mr. Smith:

Q How long have you and Jack Davis been living together as man and wife? A Well I must got with him; it must have been in '69 I think, or '68, I don't know which.
Q You and he had been married in war times? A No, sir, I wasn't married before the war, but I knowed him.
Q When were you married? A We married it must have been in '69 or '68, I don't know which, one of them I was married to him.
Q These children then are not your children? A No, sir; they are my stepchildren.
Q You are looking out now for yourself? A Yes, sir, I was looking then for these.

By Mr. Bell:

Q Were you with Jack when you stayed there at the mouth of Rock Creek? A Yes, sir, I was with him then, but I hadn't been with him long.
Q You were with him a year or two? A Yes, sir, I found him up on Big Creek, all my people was living down there, Johnson Whitmire people, there was two brothers of the Whitmires.
Q You and him didn't marry since you found him on Big Creek?
A Yes, sir, and then we moved to Grand river.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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(Extract from testimony introduced by applicant, Caroline Davis, June 1st, 1901.)

Supplemental testimony.
F. D-#253.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1st, 1901

Supplemental Testimony in the matter of the enrollment of Caroline Davis as a Cherokee Freedman.

LEWIS WHITMIRE, being first duly sworn by Commissioner T. B. Needles, testified as follows:

Appearances:
Mr. Smith, of Firm of Mellette & Smith, Attorneys for Applicants:
L. B. Bell, Cherokee Representative:

Examination by Mr. Smith:

* * * * * * * * *

(Note: Portion of witness's testimony omitted, as not affecting rights of applicant, Jackson Davis, or his children by his former wife.)

Q Mr. Whitmire, do you know Jack Davis? A Yes, sir, I know Jack Davis well.
Q Do you know John Davis? A Yes, sir.
Q William? A Yes, sir.
Q Sallie? A Yes, sir.
Q And what others are there? A Ellen, and then they has got two children that I haven't seen for quite a while and I disremember their names.
Q Do you know the mother of those children? A Yes, sir, I recollect her well.
Q What was her name? A Julia.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Bob French's wife.
Q Was Bob French's wife a Cherokee citizen? A She was called that.
Q Where was this woman, Julia, at the time the war broke out?
A She was dead if I don't make a mistake.
Q Well, whose slaves were John and William and those other children you have mentioned, what family did they belong to?
A They belonged to the French family.
Q Do you know where they were when the war broke out?
A No, sir, I don't know where they went when the war broke out.
Q Did you know of your own knowledge when they came back?
A No, sir, I didn't.

* * * * * * * * * *

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reporeded the testimony and proceedings in this case, and that the fore-

going is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

Bruce C. Jones

Sworn to and subscribed before me this 27th of August, 1901.

Commissioner.

File with case of William Davis,
C.F.-D.#456.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 11th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Jackson Davis as a Cherokee Freedman, introduced on part of Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Mellette & Smith, for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

THOMAS HAMILTON, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Thomas Hamilton.
Q Where do you live, Mr. Hamilton? A Mapleton, Kansas.
Q How old are you? A 73.
Q How long have you livedat or near Mapleton, Kansas? A Since '57.
Q What business do you follow, Mr. Hamilton? A I usedto be a farmer, I don't . do anything now for a nukber of years.
Q Did you, while you were living at Mapleton or in that vicinity, become acuainted with a colored man by the name of Davis? A I did.
Q What was his first name? A Jack, we used to call him.
Q Did you know any of his family? A I knowed John and William and he had two gals, but I forget their names.
Q Where were you living when you first got acquainted with him, Mr. Hamilton? A At Mapleton.
Q About when did you first get acauainted with him? A I think it must have been sometime in '63, I would not be positive.
Q Well, after you got acquainted did he work near you after that any? A He worked for my wife, I was working in the government shop and he worked for her.
Q Now, did you leave Mapleton and go away to any place after that? A I worked in the shop after I got acquainted with him and then I left and went to Fort Smith.
Q Fort Smith, Arkansas? A Yes, sir.
Q About how long were you gone to Fort Smith, Arkansas? A Well, maybe three months, I don't remember, it was not long.
Q When you came back where was Jackson Davis if you know? A I think he was working for my wife when I got back.
Q Do you know whether he farmed any while he was living up in that country? A Yes, I know he farmed.
Q Well, what years did he make crops up there, Mr. Hamilton? A I think he must have made a crop in '66, '67 '68 and he might not have done it in '68, he made two crops.
Q Made two crips did he? A Yes, sir.
Q Well, did you know his wife? A I wasn't acquainted with her, but I have seen her. They lived about two or three miles and a half from where I lived.
Q After you became acquainted with him did he go off and come back with a wife? A Yes sir, he went off and brought a woman there, when he come he had one woman there.
Q Did his family, these boys and girls, did they leave when he did? A What?
Q When did he move away from that vicinity there, from Mapleton? A He lived there three or four milesfrom me, three or four years.
Q Now, you said he made crops in '66, '67 and '8, now with reference to these cro ps when did he move away? A He went away pretty soon.
Q Did his girls or boys go away with them? A The girls I knew very little about and well, the youngest boy I never seen him muhh after I went home , only saw him before I come home, I seen John some.
Q Was John there up to the time his father left, or did he leave first, or do you know? A I don't really know, I seen John a number of years afterwards in Fort Scott.
Q Do you know whether he was living there or not? A No, sir, he was running a barber shop, he told me.

MR. MELLETTE: Well, Mr. Hamilton, Jack Davis came to the Territory right here after the war, or soon after the war? A Well, that is my way of thinking that he made two crops up there, I think in '66, he come down here and got a woman and brought up there.
Q well, Jack Davis did come to the Territory in 1866? A I think he come down here in 1866 and got a woman and brought her up there.
Q How long did he stay down here when he came in 1866? A He didn't stay a great while, shortly after that he put the crop in and come and got the woman and went back.
Q Are you certain that is '66 or '65? A That was '66.
Q where did he make a crop you say in 1866? A He made a crop on Larks Creek.
Q Isn't that the last crop he made? A No, sir, I think not.
Q Now, how long ago has that been? A It was '66 and '67.
Q That has been about 36 years ago? A Yes, sir.
Q When did you have you attention first called to this matter?
A Until they come up here and examined here.
Q when was that? A About a month ago.
Q Now, Mr. Hamilton, do youpretend to say that you can remember a man made a crop at a certain place 36 years ago?
A What makes me remember it; I could not swear positively only just my memory lead me to that conclusion.
Q You know that he did come to the Cherokee Nation in 1866?
A Yes, sir.
Q wasn't he back and forth frequently at that time? A I don't think he was.
Q Did you watch him all the time? A No, sir.
Q When did you move Mapleton? A I moved there in '65.
Q You didn't pay a great deal of attention to what Jack Davis was doing about the time? A Not a great deal, only just as I would see him.
Q How far is it from here to Mapleton, Kansas? A About 120 miles
Q How far is it from Mapleton, Kansas, to the Cherokee line?
A I don't know, it must be something nigh eighty or ninety miles.
Q It didn't take long to go from Mapleton, Kansas, down to the Cherokee line and Cherokee line to Mapleton, Kansas? A No, sir, not very long.
Q Well, when he finally left there , whether it was '66 or not, you understand he came to the Cherokee Nation? A That was my understanding, he was the first man to my country to come down here.
Q He was the first man out of your country to come to the Cherokee Nation? A Yes, sir, he was to my knowledge.

Com'r Needles: This testimony will be filed with the testimony in the original case of the applicant, and will be made partof the record in Freedmen doubtful cases #454, #455, #456, and #457.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 16th, 1901.

Commissioner.

File with William Davis, C. F. D. 455.

File with

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 14th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jackson Davis C. F. D. 453.

Appearances:
James S. Davenport for the Cherokee Nation
Mellette & Smith for the applicant.

Mrs. Elizabeth Jane Morris being first duly sworn by Comm'r T.B. Needles, testified as follows for the Cherokee Nation:

(by Davenport)

Q What is your name? A Mrs. Elizabeth Jane Morris.
Q Where did you live? A In Linn County Kansas.
Q What is your post office? A Mapleton.
Q How old are you? I was 66 on the 9th day of last March.
Q Did you ever live at Fort Scott, Kansas? 20 miles from there is as near as I have ever lived.
Q When did you move into that locality? A In 1863, in December, where we live now.
Q Have you lived there ever since? A Yes sir.
Q Did you get acquainted with a family of colored people named Davis? A Yes sir, Jack Davis.
Q Do you know his family? A Yes sir.
Q Give their names? A The oldest daughter ,her name was Sallie Bean,she was married, next oldest John, a son, third one was named William, and the fourth was a girl, her name was Lizzie, I dont know as I am correct as to the youngest one, Ellen I think.
Q When did you get acquainted with Jackson Davis' family? A Well in '65.
Q How far did they live from you at that time? A When I first got acquainted with he he was backwards and forwards,but he located in about one mile of where I live, on a man's farm named Jim Morris.
Q What year was that? A '66.
Q How long did he live there? A Until he moved to the Territory.
Q How long was that about? A Well I cant exactly say, if he left in the spring or fall; I am certain that he was there until the fall of '67, he moved away in '67, that is if he left in the fall but if he staid until spring then he left in the spring of '68.
Q You lived within a mile of him? A Yes sir.

(By Smith)

Q What is your name, did you say? A Elizabeth Jane Morris.
Q What is your post office? A Mapleton, Kansas.
Q You dont know whether the Jackson Davis you are talking about is the same man who has applied here to be enrolled do you? A I dont understand you.
QI say, you dont know whether or not the Jackson Davis you are talking about, the one you knew up there in Kansas in '66 was the same Jackson Davis who has applied here for enrollment as a freedman do you? A I dont know who has applied,but I heard that he was down here.
Q But you dont know if it is the same man who applied here? A It must be.
Q Do you know it? A No more than by recommendation, he came here, I am speaking about the man that lived in my neighborhood.
Q That is the same one I am asking you about, is that the same one who has applied here? A I dont know that, of course.
Q Then you don't tho that he is the same man who has applied here? A No sir.
Q Where were you when the war commenced? A I was living at Mound City
Q Kansas? A Yes sir.
Q Were you a slave? A I once was a slave.
Q Were you a slave when the war commenced? A No sir I got my freedom in '57.

Q How many years was that before the war commenced? A The war really commenced in '61.
Q What time in '61? A I dont know exactly as to that, summer or fall.
Q When did it close? A In 1865'
Q What time of the year? A I cant tell you exactly, in the fall as nearly as I remember.
Q Where were you when the war closed? A Living on the place where I reside now.
Q Do you live on a farm? A Yes sir.
Q What year is this? A What year is this, this is Nineteen-one or one hundred and one aint it? ~~The~~
Q What is it? A 101 aint it? I am not much of a scholar.
Q In 1866 where were you living? A Right where I reside now.
Q Do you know the difference between '66 and any other year or do you know simply that you have been living where you are now since the close of the war? A I know I have been living where I am living now since the war closed.
Q And that you were living there when the war closed? A Yes sir.
Q Do you know now what happened in 1868? A Several things happened in 1868.
Q Well what? A Wasn't there a great race for nominating a President at that time? ~~A~~
Q I am asking you what took place then--do you know who was nominated then? A '68 you say?
Q Yes. A I can't say, I can call the Presidents over, some of them.
Q Can you tell me who was nominated in 1868? A In '68 , wasn't this President that was assinated, wasn't he nominated.
Q Who was that, Lincoln? A No sir.
Q Garfield? A I can't remember the different Presidents.
Q Wasn't that the one who was assinated who was nominated in '68? A No, sir, must have been further back than that.
Q The truth about it is, you dont know when Jackson Davis left Kansas if he was ever there? A He was living there in '66 and '7 and left there in '67 or '8.
Q How do you know that? A By the birth of one of my children.
Q When did you first have your attention called to when Jackson Davis lived up there? A There was a gentleman there inquiring of me about what I knowed about it.
Q Who was it? A I dont know, never asked him his name.
Q When was that? A One day last week.
Q Had you ever thought anything about Jackson Davis living there until this gentleman came there and inquired of you about it? A Yes sir I had it perfect when he came there.
Q How did you keep it in your mind all this time? A Because I never forgot it, they was old neighbors and I often heard from him since they left, they had often worked for us, this Mr. Davis.
Q You dont know what time of the year he left there? A To be exact I wouldn't say, but he left there either in the spring or fall, he might have left in the spring of '68, but I think it was in the fall of '67.
Q You think he left there either in the spring or fall but you are not positive which? A Yes sir, one or the other, I would not be positive.
Q You think he was there in '66 and '7 if you are not mistaken? A I am not mistaken about that, he was there then.
Q How many children have you living now? A Two, this was my oldest son that I was speaking about, his birth was put down in the bible, he was born in '66, and I know Davis' wife was visiting me and had him in her lap when he was at the breast, and when they left there he could walk because I led him when we went to say good bye, of course he could not walk all the way.
Q What time was your sone born, what part of the year? A June 4th '66.
Q Who put it in the bible? A One of my neighbors, a Mr. Brisehorn,
Q Where is he now ? A He is dead.
Q Where is the bible? A It is at home but the man that authorized me

here took it from the bible on a sheet of paper, he has it.
Q How did he happen to take it from the bible? A I showed him.
Q Did he tell you what he would like to have you swear? A No sir, he said he wanted the truth as near as I could give it about when Mr. Davis was living there.
Q Did you get a subpoena? A I dont know nothing about no subpoena.
Q You just come down here of your own accord? A I was authorized to come here by that gentleman; I was told that he was a United States Deputy.
Q What did he say about it? A He said he wanted to know as near as could be about when Mr. Davis left up there.
Q He didn't tell you he was a United States officer did he? A No sir, I was told that he was.
Q When did you first get acquainted with Jack Davis? A Must have been in '65.
Q Where was he living then? A Up there near Linn County.
Q What was he doing? A Working around.
Q Married or single? A No sir he married after that.
Q When? A In 1866.
Q Where? A I guess at Fort Scott.
Q Do you know? A I wasn't at the wedding, but I heard that was where h married.
Q Then he was away from Linn County in '66? A No sir he was there all the time where he lived in '66
Q All the time? Mostly.
Q Well how much of the time was he away? A I dont know--in '65 was when I got acquainted with him---
Q Well you say he married in '66? A Yes sir.
Q He was away from Linn County then? A No sir, he was in the draft in '66 if you know what that is.
Q Where was Jackson Davis in the year 1866, can you tell me plainly? A He was on that farm there.
Q You say him yourself? A Yes sir.
Q You didn't see him all the time in '66 did you? A No sir, but he was cropping there then.
Q You say he married in '66? A Yes sir.
Q How long was he away when he married? A He wasn't away from there any time then.
Q Where did he marry? A Fort Scott, Bourbon County.
Q Well then if he went to Fort Scott to marry he was away from Linn county some wasn't he? A He never lived in Linn county, he always lived in Bourbon.
Q Where were you living? A Linn county.
Q Well that was where you were living when you knew him wasn't it? A Yes sir.
Q Well then how could he marry some one in Bourbon county and not leave Linn County to do it? A He never lived in Linn he lived in Bourbon.
Q Do Linn and Bourbon counties join? A Yes sir.
Q Do you live close to the line? A Yes sir.
Q How far from Fort Scott? A 20 miles.
Q You dont know where he really did marry? A I was told he was married in Scott.
Q But of your own knowledge you dont know? A No sir.
Q When did he bring his wife to the place you are talking about? A In '66.
Q What time of the year? A In the spring or summer.
Q How long did he stay there at that place after he brought his wife there? A Until he moved to the Territory.
Q How long was that? A You ought to know how long from '66 to '67 is.
Q You are on the stand now, how long was it? A It was going on two years

and as I tell you, I can't say exactly if he left in the fall of '67 or stuck until the spring of '68.
Q You never thought of this matter until that man came there to see you; you never before that took your bible down to see the date before that time did you? A I didn't have no cause to , there was no use to get the bible down to see.
(By Davenport)
Q Did Jack Davis farm there? A Yes sir.
(By the Commission)
Q You say he might have left there in the fall of '67? A Yes sir,if he left there in the fall he left in '67 and if he left in the spring it was in '68.
Q Do you positively state that Jack Davis didn't come to the Territory in the year '66? A I cant tell you anything about that.
Q He might have come to the Territory in '66 and then come back there and you not know it mightn't he? A Yes sir, but he never moved here, he might have come on a visit.
Q He might have come on business too? A Yes.
(By Smith)
Q Do you know a man named Hamilton in that neighborhood? A Yes sir I have been knowing him by name for years, I never knew knew him well.
Q He was living there in '66? A Yes sir, in Bourbon county.
Q Is he the same man who has been here to testify in this case? A Yes sir he told me he had been here twice.
Q Dont you know that Jack Davis was here in the Cherokee Nation in '66, and dont you know that the time you say you saw him there in June he had just brought his wife and children back there? A No sir.
Q When did he marry? A In '66.
Q Where were these children? A They was there and he kept house with them long before he brought this woman who is his wife now.
Q You dont know where he brought this woman from? A She lived in Fort Scott I tell you; she had been in that part of the country where I live a number of times before Davis married here; she had acquaintances there and used to come to see them, used to come and see the Foremans and others there, and had been in my house before she married him.
Q What place did Davis live on then? A The Jim Morris place, he is dead, but his son in law is there yet.
Q His son in law is still living is he? A Yes sir.
Q Is his wife living? A His second wife is living, his first wife is dead.
Q Do you know when Jack Davis went there to live on that place? A Seems to me he went there in '65.
Q What time of the year? A I cant tell you that.
Q Did he live on any other place besides that? A I cant tell you that.
Q From the time you got acquainted with him,did he live on any other place? A No sir,not as I know.
Q How long did he live on that place? A '66 and '67 .
Q How far does this Mr. Hamilton live from you? A 20 miles.
Q For the purpose of refreshing your memory, if Hamilton says Jack Davis came to the Cherokee Nation in '66, is that correct or incorrect? A I cant tell you anything about that.

CHARLES CREIGHTON,being first duly sworn by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation,
(By Davenport)
Q What is your name? A Charles Creighton.
Q How old are you? A I am 80 years old the 20th of September past.
Q What is your post office address? A Mapleton,Kansas.
Q How long have you lived in the neighborhood of Mapleton? A Ever since I came here here about 36 years ago,I think.
Q When did you come to that neighborhood? A In November,time of the election, the 5th or 6th of Novemmer,I know that they was carrying on the election. You all know when that is.

Q What time, with reference to the close of the war? A Next fall after.
Q Since you have been living there did you become acquainted with a colored man name Jack Davis? A Yes sir.
Q Do you know his family? A I saw one boy, I have been to his house but have never been in it.
Q Do you know what place he lived on? A The Jim Morris place, he is dead now.
Q What year was that he lived there? A That was in '66.
Q How far did you live from this Morrisplace? A One mile northwest of it
Q How long did you continue to live there? A Ever since I came there.
Q How long did Jack Davis live on this place? A I cant exactly tell that --he was there---it was in the spring of '67 that I saw him,it was the time of corn planting.
Q You went there when? A '66.
Q What fixes that date on your mind? A I have a deed,it was on the 15th day of November '66--I was about a week here when I got that deed.
(Hands deed to attorney)
Q Do you know if Jack Davis was farming on that place? A I dont know,I cant tell you, I never was there but the once, the year I came there or the year after, I dont know which .
Q You saw him there after this deed was executed to you? A Yes sir. I wouldn't know him if I would see him now; he was a kind of yellow fellow then,I dont know if he is yet.
Q You moved on the place that you bought did you? A Yes sir,I was off about ten months, I will tell you how that come--
Q We dont care anything about that--did you live on the place that this deed was given for after you bought it? A Yes sir.
Q And Jack Davis was living on this Morris place that year? A Yes sir
(By Smith)
Q What did you say your name was? A Charles Creighton.
Q What is your post office now? A Mapleton Kansas.
Q Where were you from to that country? A I came from Illinois.
Q You had been there a week when you got this deed? A Only a week,or maybe two weeks.
Q During the---until the month of November 1866 you didn't know this man Davis? A Yes sir I seen him there at his own place.
Q I say, you didn't know him until November '66? A No sir I wasn't there myself before that.
Q You dont know anything about the matter except that you saw him there the following year after you come there? A That is all.
Q After you come there to Kansas you didn't know where he lived until some time after? A No sir.
Q Were you ever at his house? A Never was inside,I was there.
Q Do you know where he was in the year '66, all the year? A He was living there.
Q You dont know where he was until November of that year do you? A No sir it was after I come there that I got acquainted with him.
Q How long has it been since you have seen this man? A Not since '67
Q How long has that been? A I cant tell you; you'll have to figure it out.
Q You figure it? A I am too old to do it.
Q Can't you say how many years it has been ? A No sir my head is too dizzy for that.
Q When did you first have your attention called to when you saw this man Davis first? Did you ever testify against him before? A No sir I didn't know he was on trial before.
Q When was your attention first called to this matter? A Last Friday or Saturday.
Q You had forgotten there was such a man then hadn't you? A No sir I often thought of Jack Davis, I thought of him many times .
Q Just kept on thinking of him for 35 years did you? A I would think of you too if you moved from my neighborhood.
Q You dont know where he lives? A No sir not since the fall of the next year; he was there in the spring of '67 because I was talking to him
Q You only saw him in Kansas? A Yes sir,that is all.

Q That is all you know about it? A Yes sir.

This will be filed in the original application of Jackson Davis, C. F. D. 453, and also in Cherokee Freedman cases D-454; D-455; D-456; D-457 and D-740.

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Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 17th of October, 1901.

Commissioner.

File with Cherokee Freedman D-456, William Davis.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of Delilah Rowe et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Elizabeth Jane Morris.
Q How old are you? A I was 60 the 9th of last March.
Q Where do you live? A I live in Lynn County, Stanton Township.
Q What is your postoffice? A Mapleton.
Q How long have you lived in that section of country there in Kansas, Mrs. Morris? A I have lived there from 1862 up to the present time and living there yet when I am at home.
Q Since you have been living there, did you get acquainted with a colored family by the name of Rowe? A Yes, sir, they were my near neighbors when we were there.
Q Did you know one by the name of Delilah Rowe? A Yes, sir.
Q Did you know her father? A Yes, sir.
Q What was his name? A Daniel Rowe.
Q When did you get acquainted with this family? A When they first came there, that was about the close of the war.
Q How far did they live from you? A About half a mile.
Q Well, how long did they continue to live there near you? A They lived there until they moved to the Territory here.
Q About when was that, if you know, by any circumstances that could have called that to your attention? A The same year that I say, in '67, that Mr. Davis left me.
Q Do you know whether or not they came before or after Jack Davis left that country? A They came before, or at least I got acquainted with them before.
Q Did they come first or Jack David come first? A They came first, Mr. Rowe came first, located.
Q Why do you say he came first, was there any circumstances?
A Well he moved there and lived there and I near neighbor with him and I got well acquainted with them and therefore I say he came first.
Q Well, did you ever hear of any correspondence between them anyway that makes you fix the time or ever know them coming, between the Rowe family and the Davis family? A After Mr. Davis left there they corresponded together.
Q What place are you speaking about that he left? A I thought I told you on Mr. Morris' place, I didn't know of his living on any other place after I got acquainted with him.

Mr. Smith: How long did you say this Delilah Rowe lived there?
A She lived there all the time her father did, with him.
Q What was her father's name? A Daniel Rowe.
Q Well, how long did he live there? A He lived there at the close of the war in '65 as near as I can remember.
Q How long did he stay? A Stayed until he moved to the Territory.
Q Well, how long was that? A That was either in '67, in '67 if it is correct about Mr. Davis, he left the same year as near as I can

he moved in the winter I recollect well, when Mr. Rowe moved, he moved in the winter, I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring, but Mr. Rowe, he moved in the winter, I have got that affirmed.

Q What time did he come there, in what season of the year was it?

A It was in the spring when Mr. Rowe moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rowe, I am satisfied, moved there in the spring.

Q Didn't you tell me a while ago that the war closed in the fall of '65? A That is what I understood, so said.

Q When was it that Mr. Rowe came there, in the fall or spring?

A He came there in the spring, I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came along about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you get down here to testify in this case? A Didn't I tell you a gentleman came up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Dawes Commission to come here and testify?

Mr. Davenport: I object to that mode of examination; if the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner: It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that; you didn't have any subpoena from the Dawes Commission to come here and testify? A I don't know anything more about the commission than anything in the world; he came and said he was doing government business.

Q How do you know this is in '67, how are you fixing it this time?

A From the age of my child, that is how I fix it.

Q How many children did you ever have? A I have had five in my life and only two are living.

Q What was the date that the child that you fix this date by was born on? A June 24.

Q What year? A 1866.

Q When was the next one born? A It was October 25.

Q What year? A I forget the year now, it is recorded in my bible, it was October 25, I forget the year.

Q How much order was the first child than the second one? A My boy; 7 years older; let's see, I can can cound that up, my oldest son was born June 24, I was telling you, and the next one I forget the date of the year, but it was October 25, but I forget the date of the year now, but my oldest, I have that, they are both on record right now, but I have forgot the next boy, the date of the year, but I have the day of the month.

Q Well, was it the next year after June 24, '66? A After this next one, no, sir.

Q The next one, not the youngest, the next one? A The one that died, it wasn't more than 2 years between the one that died and this one I was telling you that I have the date of, October 25. there was quite a difference in their ages.

Q How much? A I can't tell you exactly but I can recollect the date of the month.

Q Can you tell the year when any child was born except the one you have just told me about? A Yes, sir, my oldest girl was born April 28.

Q What year? A That was in '65.

Q April 25? A No, it was April, it wasn't '65, there is two years between my girl and my boy.

Q Well then what year was she born in? A Must have been in '64, wouldn't that make two years.

Q You know, don't you; what was it? A I know there is two years and some weeks.

Q Well, what year was it now? A Must have been in '64 as I told you, must have been, there is two years between the two.

Q Do you swear it was? A I told you about xxxxxx as near the truth as I can tell you; if he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q Now when was your child next to the boy born, what date, next after the boy that was born in '66? A I told you I can't remember the date of the year, I can remember the date of the month, I forget the date of the year, it is in the bible.

Q Outside of these two you have been talking about, you can't give the dates when any one of the other three children were born, can you? A I can remember the dates of three of them.

Q Well, what about the others, do you know what years they were born in? A My oldest child was born the 28th of August.

Q That year? A I will tell you in a minute, if you wont hurry me: '57, the borth of my oldest child, it is dead, she was born August 28 of 1857, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Who, Delilah?

Q Yes; when did you first know her with reference to the time the child was born, the one that was born in '66? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war; you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long though? A They come there in the spring as I told you right in planting time because they came to our house to speak for some potatoes to plant, that wasthe first visit he made us after he moved up there.

Q How far did he live from you? A Not more than a mile, right in sight.

Q How long did he live on that place? A Lived there until he moved to the Territory.

Q How long was that? A Well, as I told you, they came the year, or the year after, that Mr. Davis came.

Q This woman was just a child then? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved away? A No, she was a mother, she got to be a woman because her child was born there because I am the one that took care of her.

Q You say Delilah was a little girl when she came there? A Well, a small girl.

Q And she moved away? A She came away with her father.

Q When was that, in '67? A I think it was in '67.

Q And she was a little girl when she went there? A When her father moved on the place there.

Q That was the spring after the war closed? A When they moved

there, yes.

Q And moved away in '67, and she was a little girl when she came there; is that right? A She was a little girl when she came there.

Q Now what was it you said about being a young woman when she went away? A She was a mother, she must have been a woman, she had that child before she moved away.

Q She did? A Yes, had that child living right up there where they lived all the time they were up there.

Q About how many years old do you think she was when they came there about the time the war closed? A Well, she might have been 10, 11, somewhere along there.

Q You think she was as much as 10? A I can't say, it is just guess work; of course she might have been more than that.

Q How old did she appear to be when she had this child, was she a young woman? A She was old enough to be a mother, I can't tell you anything about that.

Q Did she look like she was a fully developed and matured woman?

A She was large enough in size but I don't know what her age was.

Mr. Davenport: She was large enough to give birth to and raise a child? A Well, she had it, because I was with her when she child was born and took care of it.

Commissioner: What was Delilah Rowe's father's name? A Daniel Rowe.

Q You say she lived in Kansas with him in the winter of '67? A No, it was '67 when they left.

Q Maybe it was the winter of '66 then? A No, it wasn't '66 because Mr. Davis hadn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q You said that he came down before Mr. Davis, one time; you said something about Mr. Davis coming down, you said that he came down to the Nation to get his wife, didn't you say something about that; you said Mr. Rowe, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A Davis moved first, didn't I tell you; you have got it wrong; didn't I tell you Mr. Davis moved down and wrote to Mr. Rowe a letter.

Q You say now that David moved before Rowe, do you? A Of course he did.

Q How long before? A Well, I can't tell you how long.

Q Well, didn't you say in your examination that Davis moved down you think in the winter of '67? A I said that is what I thought, I wouldn't be positive.

Q Sometime during the winter? A Yes, the fall.

Q You don't know whether it was the first part of the last part?

A No, I can't say for certain.

Q Couldn't it have been the last part of the winter of '66: you know the winter is in '66 and '67? A That is what I know, but didn't I tell you I know by my child was born in '66 and didn't I tell you the child could walk and didn't I come down to tell Mr. Davis good-bye, the child walked part of the way and that was in '67, that is what I told you in plain words, that Mr. Davis was there in '66 and '67.

Q What time was the child born? A The child was born seems to me the latter part of the winter or spring.

Q Latter part of the winter or spring of what; '66? A No, the year after he moved down.

Q I am talking about this child that you say could walk? A That is my child.

Q That is what I am talking about? A Didn't I tell you all the time he was born in '66.

Q What month? A The 24th of June, 1866.

Q How old does a child have to be up there before it is old enough to walk? A They generally walk sometimes inside of a year, I would give a child a year; I told you in plain words the child was born on June 24, 1866, and if he would walk, would make it throw him into '67, I told you that Mr. Davis moved down first and wrote to Mr. Rowe

a letter when he was living there and Mr. Rowe brought the latter to my husband to read it, he couldn't read writing and my husband could.

Q That is the first you have said about a letter since you have been under examination in this case? A Well, that was the way of it.

Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you spoke of Mr. Rowe having read by your husband in your possession? A No, I guess not, Mr. Rowe took it with him.

Commissioner: Are you married? A Not now, my husband is dead.

Q Live on a farm? A Yes, sir.

Q Always lived on a farm? A Been living there since '62.

Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.

Commissioner: This testimony will be made part of the cases of Freedman D-749, D-750, D-752, D-837, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-453.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 28th of October, 1901.

Commissioner.

"WOW"

File with C. F. D- 456 William Davis.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 5,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION, in the matter of the application of Jackson Davis et al, for enrollment as Cherokee Freedmen.

Appearances:
Louis T. Brown, appears for Mellette & Smith, attorneys for applicants;
W.W. Hastings, of attorneys for Cherokee Nation.

WALTER A. WEST, being sworn and examined, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Walter A. West.
Q What is your age, Mr. West? A 60.
Q Post-office is Spavinaw? A Yes sir.
Q You are a Cherokee citizen by blood? A Yes sir.
Q Mr. West, when did you settle on the Old Military Road, asyou stated in your other examination? A I come there in May '66, that is when I first struck the road.
Q You settled there on the old Military Road how far from Grand river? A You might say at two places on the road, one was up at Hudson's, and that same season I moved down near Cabin Creek.
Q That was later in the fall of the same year, the fall of '66 you moved down near Cabin Creek? A Yes sir.
Q How far was that from Grand river? A About 2 miles.
Q Mr. West, do you know a colored man by the name of Jack Davis who has got a number of sons among others Joe and John? A Yes sir, I know Jack Davis.
Q When did you first see him after the war? A I saw him in February '61 first time I ever saw him.
Q Tell the circumstances under which you saw him? A I lived there on the Military road at that time and kept hay to sell to travelers and sold some to the Government the evening of the same day that Jack Davis come there and camped nearly a quarter of a mile from the house right on that old road, and I was at his camp that evening and that's where I first got acquainted with him, in '69, and there was another party with him, man by the name of Jack Bean, his wife was my wife's servant, that is my wife was her young mistress, and they come up there to see me and that's how I come to become acquainted with the whole of them; I got to inquiring who theothers was and went down there and this Jack Bean and his wife was the whole cause of me getting thoroughly acquainted with the outfit, there was four bunches of them altogether.
Q What were they doing? A They were camped there, moving from Kansas, just come there, come down and got there about 2 o'clock that evening.
Q They were moving from Kansas? A Yes sir.
Q Had you ever seen Jack Davis in that neighborhood before that? A No sir, that was the first time ever I got acquainted with him.
Q Had you lived there from '66 up until '69 in that neighborhood A Yes sir.
Q How far did Jack Davis locate from you? A About three miles.
Q On the river? A Yes sir, on the east side of the river, near the mouth of Cabin Creek, on the east side from Cabin Creek.
Q In some other cases in which you were examined you had some record or receipt showing that said date of February '69? A Yes sir, I got the voucher from the Government; I had that in this court this other court, but I didn't bring it down this time.

Q And that is the reason why you fix the date that you saw them?
A Yes sir, 19th of February.
Q They were moveing down and on the road and camped at your place?
A Yes sir.
Q They said they were moving from Kansas? A Yes sir.
Q That is the first time you ever saw Jack Davis? A First time I ever saw him.
Q You well acquainted around that neighborhood I suppose? A Yes sir.

BY BROWN:

Q You don't know when Jack Davis returned to the Cherokee Nation?
A Not any further than that.
Q You know his wife? A I saw his wife, but I wasn't acquainted with her.
Q You know whether the wife he had then is his present wife now?
A No, I do not know whether it is his present wife.
Q At the time you claim him who was with him? A There was Jack Bean, Sandy Bean and Tom Mayfield and his family, that was four outfits of them together.
Q Did Jack have his wife along? A Jack Bean?
Q Jack Davis? A He had a woman along, I supposed it to be his wife; I never went into details of which was his wife and which was the others wives; they had some women and children.
Q He didn't tell you his wife was along? A No sir, I saw some women in thecrowd and supposed they belonged to the outfit.
Q You know Will Davis, son of Jack Davis? A Yes sir.
Q Do you know John Davis? A Yes sir.
Q Did you see them that time? A No sir.
Q All you know is the first time you saw him was sometime in the year '69? A Yes sir, that was the first time I got acquainted with him, that was in February.
Q In '69? A Yes sir.

BY COMMISSION: This testimony will be made a part of the record in the case at bar and also in the following doubtful Freedmen cases: 454, 455, 456 and 457.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony andproceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 5th, 1902.

Commissioner.

Notary Public.

E. G. Neufer,

.2001 ,24 to day 28th the before me appeared and signed the foregoing

.Washington, D. C.

DEPARTMENT OF THE INTERIOR
PERMISSION TO TRADE CIVILIZED TRIBES

FILED
JUL 24 1902

ACTING CHAIRMAN

.2001 ,21st to day 28th the foregoing and annexed affidavit

.Witness my official signature

Notary Public.

.Commission expires

.Witness my official signature

To be filed with F.D-456.

F. D-453.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Jackson Davis for the enrollment of himself as a Cherokee Freedman.

SUPPLEMNETAL TO D-453.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation in 1871 as found in a book taken from the Executive Department of the Cherokee Nation entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, the same being No.58, as follows:

"Jack Davis.
Decided against defendant June 8, 1871."

MR. SMITH: The applicant objects to the offer of the above matter in evidence for the reason, first, that the same is incompetent, irrelevant, andimmaterial, and does not tend to prove any issue in this case; second, because it is not shown that the person mentioned in said entry is identical with the applicant herein; third, because there is no showing that any step necessary to the rendition of a valid judgment was ever taken by the Cherokee Nation, not even a showing that the applicant was before the Court; fourth, because the record as offered being all of the record shows upon the fact that it is insufficient to constitute any judgment or decision; fifth, because it is incompetent to prove upon the issue at bar any record or alleged record of the Cherokee Nation in the manner and form herein sought to be used.

MR. HASTINGS: The Cherokee Nation offers this judgment for the purpose of showing that it is a full, fair and free investigation of this case soon after the war when all the witnesses were alive and all the facts could have easily been brought to the attention of the court and were, and a decision at that time rendered by a court of competent jurisdiction.

MR. SMITH: And then the applicant objects for the reason that the only evidence offered herein shows just what is embodied in the record entry and that that fails to show that even the applicant was before the court or any witnesses.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following freedmen cases: John Davis, D-455, William Davis, D-456, Ellen Bell, D6457, and in the case of Jackson Davis, the same being the case at bar, D-453. It appears from the records of the Commission that the above applicants are represented by Mellette & Smith.

MR. SMITH: Counsel for John D. Davis, William Davis and Ellen Bell, objects to the testimony offered in the case of Jack Davis relative to the alleged record of 1871 court, being embodied in the record in either of the cases of John D. Davis, Will Davis or Ellen Bell, because the record offered in the Jack Davis case shows affirmatively that nobody except Jack Davis was a party to said proceedings and does not show that he was identical with the Jack Davis who was the father of the last mentioned applicants.

MR. HASTINGS: The Cherokee Nation contends that it is relevant in this case for the reason that all these applicants claim in and through Jack Davis; that their case stands or falls upon his, and that he made the application to the court in 1871, only five years after the treaty of 1866, when testimony was easily gotten as to the time of his return, and a court of competent jurisdiction there adjudged that he didn't return in time.

MR. SMITH: The counsel for the applicant moves to strike the remarks of counsel as being irrelevant and immaterial.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 28th day of May, 1902.

P. G. Reuter,

Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the proceedings in the above case.

Mabel F. Maxwell.

Subscribed and sworn to before me this 12th day of July, 1902.

P. G. Reuter
Notary Public.

1302

Freed D 680

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1904.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17208, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Wm. Davis, D 456;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee Freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, DECEMBER 23RD, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Charlotte French, as a Cherokee Freedman.

It appears from the record herein that on December 1, 1904, the applicant, Charlotte French, was notified by register letter and on the 3rd day of December, 1904, the attorneys for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 23, 1904, and introduce testimony touching the applicants right to enroll, at which time this case will be taken up for final hearing. On this 22nd day of December, 1904, the applicant appeared by her attorneys, Blue & Bulger, the Cherokee Nation by its attorneys Bell, Hastings & Davenport.

Aaron Whitmire being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Aaron Whitmire.
Q How old are you? A 69
Q What is your postoffice? A Coody's Bluff, Indian Territory.
Q How far is Coody's Bluff from the Verdegris River?
A Half a mile.
Q How far do you live from Lightening Creek? A I live three miles from Lightening Creek.
Q What direction? A West.
Q Do you live in the Cooweescoowee District? A Yes, sir.
Q How far north of Chelsea do you live? A About four miles.
Q Have you lived in that vicinity ever since you came there after the war? A Yes, sir.
Q Are you living on the same place you originally settled? A Yes right on the same place.
Q How far is Big Creek from where you live? A Well it is about eight miles.
Q Does Big Creek flow into the Verdegris River? A Yes, sir.
Q And about eight miles from where you Live? A No, it haint that far, the water flows in the river about four miles from where I live.
Q What direction is it from where it flows in the Verdegris River?
A Northwest.
Q Does Snow Creek empty in the Verdegris River north of where you live? A Yes, sir.
Q Between where you live and the Kansas line? A Yes, sir.

Q There are at present a great many colored people living on the Verdegris River, Big Creek and Snow Creek? A There are a great many living there.
Q Were you a slave before the war? A Yes, sir.
Q Where did you live? A I lived in Goingsnake.
Q Are you a brother of Louis Whitmire? A Yes, sir.
Q Are you a brother of Mose Whitmire? A Yes, sir.
Q You knew them of course before the war? A Yes, sir before the war.
Q Did you know them and were with them during the war? A Yes sir
Q Where did you go during the war? A I went to Fort Scott, Kansas.
Q Were you in the army? A I wasn't exactly in the army, I was working for the government though blacksmithing.
Q Did your other brothers also work in the army? A They drove teams.
Q Did you know old Sam and young Sam Webber before the war?
A I knew the old man before the war.
Q When did you get acquainted with young Sam? A In time of the war.
Q In the state of Kansas? A Yes, sir.
Q Did you know Mike, Sam, Ruben and Dan Sanders? A Yes, sir.
Q Did you know them during the war? A Yes, sir.
Q Where? A Fort Scott, Kansas.
Q Well at the time the war closed where were you and all of these other parties, including your brothers, Sanders and the Webbers when the war closed? A Fort Scott, Kansas.
Q You are a recognized and enrolled Cherokee Freedman, are you not? A Yes, sir.
Q When did you make the first trip to the Cherokee Nation after the close of the war? A I made the first trip in August, 1866,
Q In August, 1866? A Yes, sir.
Q Well now who came along with you in August, 1866? A Well the old man Sanders.
Q What was Sander's name? A Mike Sanders.
Q Was he the father of Ruben and Dan? A Yes, sir.
Q Who else came with you? A Old man Webber, old man Sam Webber, old man Billie Foreman, Peter Meigs, Mose Whitmire, Nelson Whitmire Louis Whitmire and Dennis Whitmire.
Q Where did you go? A We come to Big Creek.
Q How long did you stay on Big Creek? A We stayed there two or three weeks, I don't just recollect, I don't know how long, some two or three weeks.
Q Did any women or children come with you at all on that first trip. A No, sir
Q Where did you go down Kansas and enter the Territory, at what point? A We come right to Oswego and cut to where Chetopa is now and turned west and went to Big Creek.
Q And then come down Big Creek? A Yes, sir.
Q Was there a single house anywhere in the Cherokee Nation along Big Creek at that time? A There wasn't nary one for a mile on Big Creek.

Q Was there anyone living on Big Creek in the Cherokee Nation at that time? A No, sir.
Q Was anybody living on Snow Creek at that time? A No, sir.
Q Did you see anybody living on the Verdegris river at that time?
A Yes there was somebody living along the river, along the Verdegris
Q Who? A Old man Riley.
Q Was he a Cherokee? A He was a Cherokee, and Carter, he was a Cherokee and John Coker, he was a Cherokee.
Q Well were there any colored people on the Verdegris river at that time? A No, not that I seen.
Q You stayed around then in that country some two or three weeks?
A. Yes, sir.
Q Well what did you do then? A We went back to Fort Scott.
Q That was the first trip that was made by any of the colored people up there, so far as you know, to the Cherokee Nation after the war? A Yes, sir.
Q That was what was said at the time? A I know that was what they said, there may have been a few come before that and went the other way by Granville.
Q Well now when was the second trip made. A That was made in December sometime.
Q Of 1866? A Yes.
Q Now who came with you on the second trip? A Ranson Daniels, Solomon Foster, Dick Whitmire.
Q Was that old man Dick Whitmire? A Yes sir, and Sam Beck.
Q Were there any Creeks or Choctaws? A Some Creeks and Choctaws.
Q What became of them? A They went on down.
Q Into their own country? A Yes, sir.
Q Well did you go over practically the same country the second trip that you did over the first? A We didn't go over all the same country, we went over some of it, we done a little work.
Q Well at that time were there any colored people living in any of that part of the country known as Big Creek and Snow Creek country and the Verdegris River? A No, sir.
Q What work did you do in August, 1866? A Put up some houses.
Q Just put up the logs? A Yes, sir.
Q What did you cover them with? A We covered two or three of them, two I believe.
Q Covered you think about two of them? A Yes, sir.
Q But the rest were just the bodies of the houses? A Yes, sir,
Q You didn't put in any fields at that time? A No, sir.
Q Well when you came back in December you come to these same places where you had started your claims before? A Yes, sir.
Q Well how long did you stay there in December, '66? A I stayed there about four days.
Q Where did you go then? A I come to Fort Gibson from there.
Q Where did you go from Fort Gibson? A Goingsnake.
Q What became of those who were with you? A They went back to Fort Scott, Kansas.
Q After going to Goingsnake did you return to Kansas or Fort Gibson? A Yes, sir.
Q About what time of the year did you go back to Kansas? A It was near Christmas time, I don't just recollect what time.
Q Do you remember of the circumstances of Dyer Hayford being killed? A Yes, sir.
Q Did you know Hayford? A Y s, sir.

Q Where were you when he was killed? A Fort Gibson or Tahlequah.
Q On this second trip? A Yes, sir.
Q He was killed when you returned? A Yes, sir.
Q Did you know Eli Mackey, a colored fellow, who killed him?
A Yes, sir.
Q Now did any women or children go with you to the Cherokee Nation on this second trip? A No, sir, none at all.
Q Well when did you return to the Cherokee Nation finally the third time? A It must have been in March sometime.
Q The following March of '67? A Yes, sir.
Q Well who came with you that time? A Well Sanders, old man Sanders, Mike Sanders, Peter Meigs, Billie Foreman, Tuck Sanders Ruben Sanders.
Q Well did Louis Whitmire come with you that time? A No, he didn't go that time.
Q Where was he? A Fort Scott.
Q Did Dennis come that time? A No, sir.
Q Did this preacher, Joe Ross, come that time? A No, sir.
Q Well did Sam Webber come that time? A No, Sam didn't go.
Q Well how long after you come before Sam moved down here?
A A couple of weeks I guess, maybe not quite so long, a short time.
Q Do you remember the circumstances as you were leaving to come here about Eli Mackey going to jail for the murder of Dyer Hayworth and there being considerable excitment when you passed through
A Yes, sir.
Q Were the Sanders boys along on that trip? A Yes, sir.
Q And you say now that Sam Webber didn't bring his family when you came but a couple of weeks after? A Yes, sir.
Q Well now when you did move your families down to where you located were there any colored people living in that part of the country? A None that I know of.
Q Were there any on the Verdegris River or the Lightening Creek country or Snow Creek or Big Creek country? A None that I ever heard of or seen and I traveled a good deal through the country.
Q Where did you do your trading when you first came from Oswego?
A At Old Parker some.
Q Now in order to go to Oswego you had to go from your place north up from Big Creek and Snow Creek country? A Yes, sir had to go north.
Q There were no fields there in '66? A None at all.
Q Wasn't no corn planted or crops raised that year? A No, sir.
Q Did you plant some crops in '67? A Yes, sir. We had crops in '67.
Q But before that none were put in by the colored people at all?
A Not that I know of.
Q Well do you know Ben Alberty? A Yes sir, I knew Ben before the war.
Q Did you know him after the war? A I never seen him but once after the war that I know of.
Q Well did you know before the war that he located on the mouth of Snow Creek? A Yes I knew about the place.
Q Well was he living there when you moved down here in March of '67? A No, sir.
Q Well now how long after that that Ben Alberty moved down in the Cherokee Nation? A It must have been sometime in '68, nearly '69 somewhares along there.
Q And you know he wasn't there when you first moved? A Yes, sir. He wasn't there.
Q You know John Landrum? A Yes, sir. I know Jack Landrum.

Q Well now when did Jack move his family down here? A Well I don't recollect just what time Jack did move there.
Q It was after you moved there? A Yes, sir.
Q He wasn't living there in '66? A No, sir.
Q Did you know him in Kansas? A No, I never saw Jack in Kansas at all.
Q Did he mary some relation of yours? A Yes a sister.
Q Were they married in Kansas or in this country? A In Kansas.
Q After the war? A Yes, sir.
Q Were they married when you left there with your family?
A Before that, before I left.
Q But he didn't move down with his wife until after you came down?
A No, sir.
Q How long was it after you moved down the third time until Jack came? A It must have been in '68, somewheres along there when they come to where I lived.
Q Well how far did they settle from you? A About three miles.
Q Then there was no women or children come on any of these trips until you moved down in March '67? A No, sir not until we moved.
Q You are the same man who is known as Aaron Whitmire who testified before the Chambers Court in '78? A Yes, sir.
Q And Louis Whitmire and Moses Whitmire who were admitted to that court were your brothers? A Yes, sir.
Q You at that time had for your witnesses Blue Alberty, William McCracken and others, did you not? A Yes, sir.
Q You stated in your application at that time, and your witnesses stated for you the same facts that you stated here, to-wit; that you returned with your family and moved down here in the spring of '67? A Yes, sir.
Q That is all true, is it not? A Yes, sir, that is the truth.
Q Well now Sam Webber never moved down here until the spring of 1867? A No, sir.
Q And young Sam didn't come with his father in August, 1866?
A Yes he come in '66 with his father.
Q Did he go back? A He went back, yes sir.
Q Did he come back in December, 1866? A I don't recollect now whether young Sam was along in December or not.
Q But you remember distinctly that he moved down here some two or three weeks after you did? A Yes, sir.
Q How far did the Webbers settle from you when they came down in the spring of '67? A It is about six or seven miles from where I live.
Q You knew them well did you? A Yes, sir.
Q Had you seen them in Kansas before the war and before you moved down here? A Yes, sir.
Q About how far did they live from you in Kansas? A About 20 miles I think.
Q Did you live in the town of Fort Scott? A Yes, sir, I worked there in town.
Q Blacksmithing? A Yes, sir.
Q I believe that you stated that you knew Dyer Hayford, what was his business? A He had a grocery store and sold groceries.
Q Did you buy goods from him? A Yes, sir.

Q You stated that you knew Eli Mackey? A Yes, sir.
Q William McCracken says he met you in December, 1866, in December, before the Chambers court, did you meet him that year?
A Yes, sir.
Q Were your brothers with you? A No, they wasn't with me then, I left them on the Verdegris River, I met McCracken down at Fort Gibson.
Q Did you tell him where you were going? A Yes, sir.
Q What did you say? A Told him I was going to Goingsnake.
Q As I understand you you went to Goingsnake by the way of Tahlequah and came back by the way of Fort Gibson and then went to Kansas and got back to Kansas sometimes during Christmas week?
A Yes, sir.
Q Which was after Hayford was killed? A That was after Hayford was killed.

BY THE COMMISSION:
Q During the war Mr. Whitmire, you colored people settled in Fort Scott in the same neighborhood, did you? A Not exactly
Q Well you knew one another quite well? A Yes, we knew one another.
Q Refugees from the territory who had gone out during the war?
A Yes, sir.
Q You were acquainted reasonably well were you not, with all of the parties who came down in that first crowd in August of '66?
A Well yes sir.
Q You knew all the parties in that crowd? A Yes sir.
Did you give all the names of those you can remember in response to Mr. Keating's questions? A All I can remember, yes sir.
Q What was your purpose in coming that first trip, Mr. Whitmire
A Come to make homes.
Q You came down to build some houses? A Yes, sir.
Q How did you go to the territory, wagons or horseback?
A Come in wagons.
Q What kind of teams did you have? A Some had mules, some horses and some oxen.
Q Did you have a family at that time? A Yes, sir.
Q A wife and some children? A Yes, sir.
Q But you left them in Fort Scott? A Yes, sir.
Q It was the understanding, was it, that you people were to come here and start some houses before going back to Kansas for your families? A Yes, sir.
Q Who did your cooking on that trip? A Well the boys done the cooking.
Q Did you bring along any women at that time to do the cooking?
A No, sir.
Q You are positive that there were no women at all in this crowd, are you? A No women that I recollect and no children.
Q Well you would have remembered it, wouldn't you? A Yes, sir, I think so.
Q It was a pretty wild country here at that time? A It was a wild country, yes sir.
Q Well now when you came down in December the second time for what purpose did you come? A We come down to work on our places.
Q You left your family at Fort Scott on your second trip?
A Yes, sir.
Q Were there any women in that crowd who came down in '66?
A No, sir.

Q There werr none? A None.
Q How did you come the second trip? A In Wagons.
Q At that time, in the fall of '66, did you have some brothers and sisters? A Yes, sir.
Q All of your brothers came with you in the fall of '66?
A Rose, Louis, Dennis and Nelson.
Q Did you have some sisters living at that time? A Yes, sir.
Q What were their names? A The oldest was Mariah, Polly Ann, Mary Ellen.
Q Where did you leave them on your first and second trips to the Cherokee Nation? A I left Mariah at Lawrence and Polly Ann at Fort Scott with her brother Dennis and I don't know where Mary Ellen was.
Q Did your sister, Polly Ann, come with you when you come in the spring of '67? A No, she came with her brother Dennis.
Q How long after you came until Polly Ann came with Dennis.
A About two or three weeks as near as I can recollect.
Q That was the first time, was it Mr. Whitmire, that Polly Ann had been in the Cherokee Nation after the war, so far as you know? A Yes, sir. Polly Ann was a girl then staying with her brother Dennis, she wasn't of age, she was staying with Dennis and living with him.
Q And she didn't come with Dennis in the fall of '66? A No she didn't come with Dennis when he come before.
Q She stayed with his family in the town of Fort Scott, Kansas.
A Yes, sir.
Q Was little Sam Webber married when he come down here with his father in '66? A Yes, sir.
Q Where was his wife? A She was in Kansas.
Q Was there any woman come with little Sam Webber when he come on either of these trips in '66? A No, sir.
Q Well Mr. Whitmire, if any woman claims to have come down here in August or December, 1866 with this detachment of which you were a member, she is mistaken? A Yes, sir, she is mistaken.
Q You are positive that there were no women or children on either of these trips? A Yes, sir.
Q You were a grown man then weren't you? A Yes, sir.
Q And you are an intelligent fellow who would remember, wouldn't you, Mr. Whitmire? A Yes, sir.
Q And you remember that no women or children came with you on either of these trips? A No, sir, not one.
Q You have been acquainted with all these parties since your removal to the Cherokee Nation, have you Mr. Whitmire? A Yes, sir.
Q Known where they have lived and all about them? A Yes, sir.

BY MR. HASTINGS:
Q Wasn't it a fact that the Chambers Court admitted all of you people who made this first and second trip here to the Cherokee Nation that applied to the Chambers Court and introduced this testimony? A Yes, sir.
Q The Cherokee Nation or its authorities never did deny you did they? A No, sir, never did.

BY MR. BULGER:
Q Mr. Whitmire when you started from Fort Scott to the Cherokee Nation what road did you take? A I come right down by [illegible] Creek, what is called Lightening Creek, crossed over at [illegible]

and come down by Sapulpa and there we turned west and went over to the head of Big Creek.
Q How far down Big Creek did you go and where did you settle?
A We come down I guess eight or ten miles from the head to where we live.
Q Did you go north of where Centralia now is? A No, sir west of where Centralia now is.
Q Well did you settle on Big Creek? A No, on Salt Creek, that is below Big Creek.
Q Which direction did you settle from Nowata? A Southeast, pretty nigh east.
Q Were you on Snow Creek, did you go down Snow Creek during that first trip? A No, sir.
Q Were you on Snow Creek? A I have been on Snow Creek.
Q How long were you there about four weeks? A No, not that long, not then.
Q Do you know whether or not anyone lived on Snow Creek? A No-one that I know of.
Q How do you know if you wasn't there? A I was there, but I didn't see anybody on Snow Creek or anybody living there.
Q When in August, '66? A Yes, sir, after that.
Q Where were you going when you passed Snow Creek? A By old Tahlequah and different places there, Westralia.
Q Did you have to go by Snow Creek to go by Westralia?
A Yes sir, it was an old trading post up there near old Tahlequah, east of Tahlequah on Pumpkin Creek.
Q How far was Westralia from where you was building those houses?
A About twenty miles.
Q Which direction? A East.
Q Which side of Big Creek is Westralia on? A On the west side of Big Creek.
Q Which side of Snow Creek? A On the west side of Snow Creek.
Q Which side of the Verdegris? A On the east side of the Verdegris.
Q Where were you going when you went through Westralia? A Going to old Tahlequah, I had started to different places up there going to Westralia to trade sometimes during the past.
Q Then when you come to the Cherokee Nation that time you started at the head of Big Creek, went south down seven or eight miles where it runs into the Verdegris? A Yes sir, all the way from the head of Big Creek to where it runs into the Verdegris,
Q And settled on the southeast side of Big Creek where it turns around there into the Verdegris? A Yes, sir.
Q And there you built some houses? A Yes, sir, our houses was on Salt Creek about four miles from the mouth of Big Creek where it empties into the Verdegris.
Q When did you build there? A In '67.
Q Then where was it that this crowd that came in August of '66 built their houses? A They built them on Big Creek. It was about six or eight miles above where I live.
Q Did you find your location where you built some houses in '66?
A Yes, sir.
Q But you didn't erect any buildings there until '67? A No, sir.
Q Who built these houses in that first '66 settlement? A Sam Webber built one, old man Webber and old man Mike Sanders and old man Haigs.
Q Did you have to cut trees down and hew these logs out? A We cut the logs down and hewed them out.
Q What did you cover these houses with? A Boards.

Q Where did you got the lumber? A It wasn't lumber boards, it was clab boards.
Q You was there four weeks? A Yes, sir.
Q You came to the Cherokee Nation, built these houses and went back to Fort Scott, when did you go back to Fort Scott? A I don't recollect just exactly what time I did get back on the first trip, I don't recollect.
Q How long did you stay down in the Cherokee Nation when you were down here? A Two weeks that time.
Q The first time? A Yes, sir.
Q During those weeks you built several houses? A Yes, sir.
Q Visited around different settlements on Snow Creek? A There wasn't no settlements that we looked around, we saw the country.
Q What was your idea in looking at the country when you had located and built your houses? A We wanted to see if there was any place better.
Q Moved your houses would you? A The houses were just some logs and we could have got more if we had found a better location.
Q Well then you returned to the Cherokee Nation in December?
A Yes, sir.
Q What way did you come that time, what road? A We come pretty nigh the same road as we come the first time, by Lightening Creek.
Q Came down by Lightening Creek? A Yes, sir.
Q Came down by Big Creek? A Yes, sir, Big Creek.
Q Stayed right close to the river? A Come to where we started our buildings.
Q Did you stay down in the bottom along Big Creek? A Yes, sir, we come along the bottom.
Q Now Mr. Whitmire, in August when you folks come down there, did you stay in the bottoms or get out on the grass? A No, we didn't exactly stay in the bottoms, we would go out on the prairie and look around.
Q Wasn't there great high grass in the bottoms that time and made it difficult to travel through? A Yes, sir, there was grass there.
Q Wasn't the grass a little short on the prairie? A Yes, sir.
Q And for that reason you stayed out of the bottoms on the way down? A No, we went in the bottoms.
Q You didn't travel down in those bottoms all the time did you?
A No, sir.
Q You didn't travel in that big grass did you? A Yes, sir in places.
Q What did you have, wagons? A Wagons and teams.
Q What kind of horses did you have? A Some mules, some horses and some oxen.
Q But now what was your object in traveling in that high grass that big blue stem, instead of going on the prairie? A It was a good place, that was the object, if you was looking for a location you wouldn't go out on the prairie to hunt it.
Q Did you know where you was going when you left Fort Scott?
A Yes, sir.
Q You had been in that country before the war? A No, I never was in it until after the war.
Q Were there any other crowds of Freedmen that come out from Fort Scott after August 1866, before you came in December? A Why, I don't know that.
Q You don't know? A No, sir.

Q Did Bill McCracken and Levi Dougherty and those fellows live in that country in those days? A No, sir.
Q Did you ever see them there? A I never seen them there; Bill McCracken lived on Flat River and Eli lived on Pryor Creek.
Q Where did Blue Alberty live? A On Pryor Creek.
Q When you came down in December, 1866, how long did you remain in the Big Creek country? A Four days.
Q Then where did you go? A Fort Gibson. Up to Goingsnake and then to Tahlequah.
Q And returned the same way? A I returned the same way.
Q That time did you go to Fort Scott? A About Christmas time.
Q How were you traveling those times? A Teams.
Q How long did you stay in the Goingsnake neighborhood? A Two weeks and stopped at Tahlequah three or four days.
Q Did you stop any length of time at Fort Gibson? A Four days, I think, maybe longer, I don't know exactly, four days or a week.
Q You left Fort Scott in December? A Yes sir,
Q Returned sometime during Christmas holiday week, between Christmas and New Years? A Yes, sir.
Q Stayed four days in Indian Territory? A Three or four days in Gibson.
Q Stayed a couple of days in Tahlequah and Goingsnake? A A couple of weeks.
Q Stayed a couple of week in Tahlequah and Goingsnake and got back there about the first day of January? A I don't know whether the first day, I guess it was about the first.

BY MR. HASTINGS:
Q How long after you came the last time before Louis moved down, your brother Louis? A I guess it was two or three weeks, I don't recollect just exactly.
Q But even at the time you moved there were no families at that time living anywhere in the section of the country? A None at all, Old man Riley the closest that I knew and I lived four miles from him,
Q In the Cherokee Nation? A Yes, sir.
Q Well I meant when I asked the question there were no colored people? A No.
Q You were the first people? A First ones that I knew of.
Q And you come down some two weeks before the Webbers moved there. A Yes, sir.
Q And the Sanders family came with you? A Yes, sir. Sanders and Meigs.
Q Did they live about Fort Scott? A Yes, sir, Sanders lived there and Meigs lived there.

BY MR. BULGER:
Q Now Mr. Whitmire when you came down in December did you go directly to your places that you had located in August? A Yes.
Q Didn't scout around over the country like you did in August? A No, sir.
Q Did you know of anybody who lived in the Snow Creek country or up in the Big Creek country, except in that immediate neighborhood where you went? A I didn't know for certain.
Q Now when you were on this trip to Goingsnake, how did you go? A Wagon and two mules.

Q You say little Sam Webber came with you in August? A Yes, sir.
Q And he was married before this? A Yes, sir.
Q Did he return with you in December? A Yes, sir.

BY MR. HASTINGS:
Q Well you know that there was nobody living on Snow Creek after you moved down here in the spring of '67 because you had occasion to go back and forth up there? A I was up there from two to three weeks, had to go up to the little trading post at Oswego and get provisions.
Q And you saw nobody living in that section of the country?
A No, sir.
Q Well now the first trip you came I juage you traveled considerably over all of this country hunting a suitable place to locate?
A Yes, sir.
Q Well neither of the Webbers or none of the rest never did mention having been back to that section of the country before that in August? A No, sir.
Q None of them had been there before? A No, sir.
Q And there were no women on the first or second trips and no children? A No, sir.

BY MR. BULGER:
Q When you came down in December did you stay down in the bottoms close to Big Creek? A Yes, sir right in the bottoms.

BY MR. HASTINGS:
Q You had been game hunting a good deal of the time at that time had you? A It was all we had to eat.
Q And that made you go round in those bottoms in search of game?
A Yes, sir.

JAMES M. KEYS being first duly sworn testifies as follows:

BY MR. HASTINGS:
Q What is your name? A James M. Keys.
Q What is your age? A 62.
Q Are you a Cherokee citizen? A Yes, sir.
Q Where were you living when the war closed? A I was down south in the Choctaw Nation.
Q When did you return to the Cherokee Nation? A I came to the Cherokee Nation in June, 1866.
Q When did you first have occasion to visit Coowescoowee District or that part of Coowescoowee known as the Snow Creek, Big Creek and Verdegris country? A In the winter of 1867. I had a large bunch of cattle near Claremore, Indian Territory and in the spring of 1868 we had lost some cattle and there had been another herd of cattle near where I had these cattle I had chasing of and they drove them in the direction of Kansas and I followed these cattle on the east side of the river to Coodys Bluff and crossed over at Coodys Bluff and stayed all night and in the morning came on the east side and followed up on the Verdegris River to Snow Creek and found the bunch of cattle I was following.

Q How far from the Kansas line? A Well, I couldn't say, it was right near the Kansas line.
Q They were near the Kansas line? A Yes, sir.
Q Then you had occasion to go up to the Verdegris river from where it flows out of Kansas into the Cherokee Nation? A Yes, up as far as Snow Creek.
Q How did you see any colored people along the Verdegris river and Snow Creek on that trip? A Well after leaving Coodys Bluff and going north on the east side of the river I didn't see a single house or habitation of any kind along the river, and I followed as close to the river as I could.
Q You were in search of this bunch of cattle and you were looking to see if you could find any people? A Yes, it was a wild country then and I would have been glad to have seen any house.
Q Were there any people living on Snow Creek at that time?
A I didn't see a single house.
Q Did you know where Ben Alberty claims to have settled? A Yes I know where the old place is.
Q How far did you go from the old Ben Alberty place on this creek?
A My best judgement is in the neighborhood of one mile.
Q How far did you pass from it when you went up? A I went right up Snow Creek until I could see the cattle on the other side and followed right up the Verdegris river until I came to Snow Creek.
Q And you could see no persons living in that section of the country? A No evidence of any habitation outside of the cattle down where the cattle were.
Q And you could see them at once? A I saw them at once.
Q How large a stream is Snow Creek? A Just a small stream.
Q Just a little branch? A It is a little creek with some timber that runs out of the Verdegris and heads toward Kansas.
Q Runs for a few miles in the Cherokee Nation? A Yes, sir.
Q And you saw no colored people at all on that trip? A No evidence of any habitation or anything.
Q And you never heard of any people who had seen the cattle?
A No, about half way between Coodys Bluff and Snow Creek I met two men and they told me no-one lived there.
Q They had seen this heard of cattle? A Yes they had seen these cattle and had been to a town in Kansas, Osage, I knew them, they were two Cherokees.
Q Did you make any inquiries as to whether there was any settlement or not? A Yes, so I could stay all night.
Q Do you think it would be possible for Ben Alberty to have lived where you knew he afterward settled without your seeing his house? If he had lived there when you went up Snow Creek in search of these cattle you would have seen his house? A I don't think so, if there had been any house I would have seen it.
Q Which way did you go back? A I came back the way I went, along the river.
Q Did you take charge of these cattle? A No sir, I left them in the herd, it was a long ways from where I was located and I left the cattle there until I came back.
Q You didn't go across to Salt Creek where Aaron Whitmire lives?
A No, sir, I followed the Verdegris circle.
Q You left the Whitmire settlement to the east of you? A Yes some miles to the east.
Q And that is the reason why you didn't see their settlement?
A Yes, sir.

Q Did you follow Big Creek? A Not any distance.
Q Big Creek flows in the Verdegris river? A Yes, sir, a little north of Coodys Bluff.
Q Instead of following Big Creek you went up the Verdegris river?
A Yes, sir.
Q But when you struck where Snow Creek flows into the Verdegris you went up Snow Creek? A Yes a little, the cattle were between the river and Snow Creek on the north side and I followed the creek until I could see them on the other side and crossed.

BY MR. BULLER:
Q When was this Mr. Keys that you made this trip in April or May?
A In April or May of 1868.
Q Where did you strike the Verdegris river when you started?
A I went near Claremore and went from there to Coodys Bluff the first day.
Q On the east side of the river? A Yes Coodys Bluff is on the east side of the river. I stayed all night with Looney Riley.
Q Where did you cross the Verdegris River to go to the Snow Creek country? A I crossed it the next morning and went right up the river, there was considerable timber along the Verdegris at that time.
Q About the same as now? A Yes, sir.
Q How far out from Snow Creek did you stay when you went across the country for these cattle? A Not a great ways, I don't think it was more than , from a half a mile on the east side of Snow Creek.
Q Is there any timber on Snow Creek? A Yes, sir, there is a little timber along there.
Q You didn't go on the east side of Snow Creek until after you had crossed that time, you went right across? A We followed up on the east side and crossed over on the west side and went to the herd of cattle.
Q How far _ up did you go until you crossed? A Well I couldn't say, a mile and a half or such a distance.
Q Do you know whether or not there was anyone living down on the fork where Big Creek flows into the Verdegris? A I saw no evidence of any settlement or habitation and I paid pretty close attention and didn't see anyone living there.
Q But you don't know that there was no one living there? A I couldn't say positively.
Q How far east did you continue to go up Snow Creek? A Well I went right up the Creek, followed right up the river until near the mouth of the creek and then went up the creek about a mile and a half.
Q Never did go any farther? A We crossed there to the bunch of cattle the creek was running northeast at that point.
Q The cattle were on the northeast part of the prairie? A Yes, sir.

Q About how far? A One half mile or somewhere along there.
Q After you found those cattle did you return to Claremore? A I just rode into the bunch of cattle and then I turned and went back down the river.

-----oOo-----

The Cherokee Nation asks that the testimony taken of Aaron Whitmire and James M. Keys on this date be made a part of the record in the case of Frank Love, F. D. 679; Sarah Robinson, F. D. 476; Larkin Powell, F. D. 475; Polly A. Canard, F. D. 814.

-----oOo-----

Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 23rd day of December, 1904, and that the above is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Opal Griggs.

Subscribed and sworn to before me this 31st day of December, 1904.

(Signed) Charles H. Sawyer.
Notary Public.

(SEAL)

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the five civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 18 day of January, 1906.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Davis, et al., as Cherokee Freedmen, consolidating the applications of:

Jackson Davis et al.,	Cherokee Freedmen D 453,
Sallie Whitmire, et al.,	Cherokee Freedmen D 454,
John T. Davis,	Cherokee Freedmen D 455,
William Davis	Cherokee Freedmen D 456,
Allen Bell, et al.,	Cherokee Freedmen D 457,
Mannie Bean,	Cherokee Freedmen D 740.

--:--

O R D E R .

It is ordered that a copy of the testimony of Aaron Whitmire, taken at Muskogee, Indian Territory, December 23, 1904, in re application of Charlette French, Cherokee Freedman No. D-1012, be filed with and made a part of the record in the consolidated case of Jackson Davis, et al., Cherokee Freedmen No. D-453 et al.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Tams Bixby.
Commissioner

Dated at Muskogee, Indian Territory,
this JAN 13 1905

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Davis, et al., as Cherokee Freedmen, consolidating the applications of:

Jackson Davis, et al.,	Cherokee Freedmen D 453,
Sallie Whitmire, et al.,	Cherokee Freedmen D 454,
John D. Davis,	Cherokee Freedmen D 455,
William Davis,	Cherokee Freedmen D 456,
Ellen Bell, et al.,	Cherokee Freedmen D 457,
Mannie Bean,	Cherokee Freedmen D 740.

--:--

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Jackson Davis for himself and wife, Caroline Davis; by Sallie Whitmire for herself and minor grandchildren, Helen, Sarah, John, Jodie, and Charlie Ward; by John D. Davis for himself and wife, Katie Davis, by intermarriage. As the application for the enrollment of Katie Davis as a Cherokee freedman by intermarriage has heretofore been disposed of, she will not be embraced in this decision; by William Davis for himself; by Ellen Bell for herself and minor children, John O., Nora, Charlie (Jr.), Carrie, Buddie H., Sarah and Julia Blackburn; and by Mannie Bean for himself. The testimony of Elizabeth Jane Morris taken October 14, 1901, at Vinita, Indian Territory, in re application of Delilah Rowe, et al., for enrollment as Cherokee freedmen, case No. D 748, andof Aaron Whitmire and James M. Keys taken December 23, 1904, at Muskogee, Indian Territory, in re application of Charlotte French for enrollment as a Cherokee freedman, case No. D 1012, is filed herewith, and made a part of the record in this case.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Jackson Davis, Caroline Davis, Sallie Whitmire, John D. Davis, William Davis ad Ellen Bell, were the slaves of Cherokee citizens at the commencement of the Rebellion; and that they were taken

from the Cherokee Nation during said Rebellion and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

The evidence further shows that the minor applicants, Helen, Sarah, John, Jodie, and Charlie Ward, are the children of one Howard Ward, a non-citizen of the Cherokee Nation, and Julia Ward, nee Bean, deceased, who was the daughter of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, and was a full sister of the applicant, Mannie Bean; and that the minor applicants, John O., Nora, Charlie Jr., Carrie, Buddie M., Sarah and Julia Blackburn (Flagburne), are children of the applicant, Ellen Bell, and one Charlie Blackburn (Flagburne) Sr. In Cherokee Freedman D. 275 (R 216), the said Charlie Blackburn (Flagburne) Sr., was denied enrollment as a Cherokee freedman, by the Commission, and on October 10, 190., its action was approved by the Department.

The evidence further shows that the applicant, Mannie Bean, is a son of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, has been given ample opportunity, but has failed to appear before the Commission and establish whether or not he possesses any rights to enrollment as a Cherokee freedman through his said father. Consequently his application is brought within the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 5?4-04), William Rector (I.T.D. 1468-04), Minnie Duncan, et al., (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ed Williams, (I.T.D. 4230-04), and Martha Albert et al., (I.T.D. 4732-04).

It is further shown that when the applicant, Mannie Bean, was about ten or eleven years old, his father, Ben Bean, since deceased, taking with him his family, removed from the Cherokee Nation, and for fifteen years continuously lived outside the limits of the Indian Territory, and that during said period said applicant, Mannie Bean, remained a member of and resided with, his father's family.

The evidence further indicates that subsequent to the family's removal from the Cherokee Nation, the said Julia Ward, nee Bean, now deceased, became the wife of one Howard Ward, a non-citizen of the Cherokee Nation, and that for a number of years they continuously resided in the State of Missouri, where their four oldest children were born, the youngest of which was three years old in 1901.

In view of these facts it is considered that even though the said Ben Bean, deceased, Julia Ward, nee Bean, deceased, and the said applicant, Mannie Bean, may have been at one time freedmen citizens of the Cherokee Nation, they have since forfeited their citizenship in said Nation, under Section II, Article I, Cherokee Constitution, which, in part, provides:

> "Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . . ."

None of the applicants herein nor the said Ben Bean, deceased, or Julia Ward, deceased, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

Here testimony as to return to the Cherokee Nation after the close of the war, of Jackson Davis and family, and Caroline Davis:

The applicant, Jackson Davis, experiences some difficulty in identifying his place of residence in the Cherokee Nation prior to his locating on Grand River, opposite the mouth of Cabin Creek. He testifies that he "hunted" around on Big Creek and Rock Creek, for something before locating as above indicated. He further testifies that "[illegible] in '66", and introduces Sam Webber to prove this statement. Sam Webber testifies [illegible] came to the Cherokee Nation [illegible] "in the fall of 66", and that he left Jackson Davis on Horse Creek, [illegible] (1), (2) "left from Horse Creek on to Fort Gibson". (3) "left from Horse Creek on to Cabin Bluff." (4) "left from Horse Creek on to Fort Gibson." Cabin Bluff and Fort Gibson are some eighty miles distant apart, and lie in different directions from Horse Creek, there was very little reason for this witness's confusion, had this trip to the Cherokee Nation, in fact, been made. There is little doubt but that the witness, Sam Webber, returned to the Cherokee Nation within the time specified in the Whitmire decree, and it is equally certain that his first trip to the Cherokee Nation after the Rebellion was made not earlier than August, 1867. He probably made a second trip from Kansas to the Cherokee Nation during the latter part of 1868, and a third some time in the spring of 1869. The testimony of numerous witnesses, interested and disinterested, who have testified before the Commission at different times and places, establishes the above statement as practically correct.

The applicant, Jackson Davis, evidently intended to establish his return as in August or December of 1866, but in this his witness failed him, as he (Sam Webber), in connection with his testimony above indicated, further testifies that they did not return together in 1866, and that he did not see Jackson Davis during the year 1866, until "along late in the fall of '68, when they (Jackson Davis and family) came where we were over there" (on Big Creek) On behalf of the Cherokee Nation, Walter A. West testifies that Jackson Davis and family and one Tom Mayfield and family, came to the Cherokee Nation in February, 1869, and that Jackson Davis and family located "on the east side of the (Grand) river, near the mouth of Cabin Creek." This same witness, in the case of Thomas Mayfield, Cherokee Freedmen D 200, on behalf of the Cherokee Nation, testified to practically the same facts, and to the effect that Thomas Mayfield located on the east side of Grand river, opposite the mouth of Cabin Creek, is corroborated by Filmore Hicks, a witness for the said Thomas Mayfield. The Commission found, in Cherokee Freedmen D. 200, that the said Thomas Mayfield did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 13, 1904, its finding was approved by the Department. Disinterested witnesses testify that Jackson Davis and family did not leave Kansas prior

to the fall of 1867, and probably later, and this, in connection with the testimony of Walter A. West, together with the finding of the Commission on Cherokee Citizenship in 1871, that "Jack Davis" did not return in time, form a combination of circumstances that satisfactorily show that Jackson Davis and family did not comply with the treaty stipulations of 1866, relative to the return of freedmen to the Cherokee Nation.

The applicant, Caroline Davis, testified that after the close of the rebellion, she returned to the Cherokee Nation in company with "Henry Merrill" (Merrill), and others. In Cherokee Freedmen D 726 it was found by the Commission that the said Henry Merrill did not return to the Cherokee Nation, after the close of the rebellion, ~~within~~ the time specified in the Whitmire decree, and on October 18, 1904, its action was approved by the Department. She further testifies that upon her return in the summer of 1866, she stayed at Fort Gibson with Solomon Foster and family. The testimony of Aaron Whitmire taken in re application of Charlotte French, Cherokee Freedman D 1012, and which is made a part of the record in this case, shows that Solomon Foster did not return to the Cherokee Nation before December, 1866. Lewis Whitmire, in behalf of the applicant, Caroline Davis, testifies that after the war he first saw her during the winter of '67, at her mother's home near Tahlequah. The above indicated testimony of Aaron Whitmire shows that his brother, the said Lewis Whitmire, first came to the Cherokee Nation in August, 1866, stayed a few weeks in the immediate vicinity of Big Creek, and then returned to Kansas; that he came to the Big Creek country again in December, 1866, remained a few days in that vicinity, and a second time returned to Kansas, and did not again visit the Cherokee Nation until some time after the month of March, 1867. As the Big Creek country is some seventy-five or eighty miles northwest from Tahlequah, it is quite evident that Lewis Whitmire was not in the vicinity of Tahlequah prior to April or May, 1867.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Jackson Davis, Caroline Davis, Sallie Whitmire, Helen Ward, Sarah Ward, John Ward, Jodie Ward, Charlie Ward, John D. Davis, William Davis, Ellen Bell, John O. Blackburn, Nora Blackburn, Charlie Blackburn Jr., Carrie Blackburn, Buddie H. Blackburn, Sarah Blackburn, Julia Blackburn and Nannie Bean, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby

Dated at Muskogee, Indian Territory,

this Sep 29 1905

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of William Davis for the enrollment of himself as a Freedman of the Cherokee Nation, one copy of the original testimony of My 31st, 1901.

McDette & Smith
Attorney for Applicant.

Cherokee F. #D456.

No. D. 2 B

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of ....A. D. 1901

Given under my hand this

day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the under-signed attorney for the within named applicant hereby accept service of the within notice on this the

....day of ....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A.D.1901

Subscribed and sworn to before me this day of A.D.1901.

Notary Public.

NOTICE!

IN THE MATTER OF the application of William Davis for enrollment as a Cherokee citizen:

Case No. D 456

To William Davis & Mellette & Smyth Atty

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct 11 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Oct 11 1901

L. B. Bell

J. S. Davenport

Attorneys for the Cherokee Nation.

(C O P Y)

Land
78759-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. October 13, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated September 30, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Jackson Davis for himself and his wife, Caroline Davis; by Sallie Whitmire for herself and her minor grandchildren, Helen, Sarah, John, Jodie and Charlie Ward; by John D. Davis for himself; by William Davis for himself; by Ellen Bell for herself and her minor children, John O., Nora, Charlie (Jr.), Carrie, Buddie M., Sarah and Julia Blackburn, and by Mannie Bean for himself.

September 29, 1905, the Commissioner decided adversely to all the applicants.

The record shows that the applicants, Jackson Davis, Caroline Davis, Sallie Whitmire, John D. Davis, William Davis and Ellen Bell were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war, and did not return thereto and establish a residence therein on or before February

11, 1867.

The record further shows that the minor applicants, Helen, Sarah, John, Jodie and Charlie Ward are the children of one Howard Ward, a non-citizen of the Cherokee Nation, and Julia Ward, born Bean, deceased, who was the daughter of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, and was a full sister of the applicant, Mannie Bean; and that that the minor applicants, John O., Nora, Charlie, Jr., Carrie, Buddie H., Sarah and Julia Blackburn (Blagburne), are children of the applicant, Ellen Bell, and one Charlie Blackburn (Blagburne) Sr.

On October 10, 1903, the Department approved the action of the Commission denying the enrollment of Charlie Blackburn (Blagburne) as a Cherokee Freedman.

The record further shows that the applicant, Mannie Bean, is a son of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, has been given ample opportunity, but has failed to appear before the Commission and establish whether he possesses any rights to enrollment through his father. It is further shown that when Mannie Bean was about ten or eleven years of age, his father, Ben Bean, since deceased, removed with his family from the Cherokee Nation, and for fifteen years continuously resided outside the limits of the Indian Territory, and that Mannie Bean remained a member of, and resided with, his father's family; that subsequent to

the family's removal, Julia Ward, born Bean, now deceased, became the wife of one Howard Ward, a non-citizen of the Cherokee Nation, and that for a number of years they continuously resided in the State of Missouri, where their four eldest children were born. None of the applicants, or Ben Bean or Julia Ward is identified on the 1880 authenticated Cherokee roll or the Cherokee Census Roll of 1896.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.(W)

COPY.

Cherokee
F D--456

Muskogee, Indian Territory, September 30, 1905.

William Davis,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, the application for the enrollment of yourself, as a Cherokee freedman. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED.
Tams Bixby
Commissioner.

Incl. GL-59.
GHL

Register

Cherokee
F D-454 et al.

COPY.

Muskogee, Indian Territory, September 30, 1905.

Edgar Smith,

Attorney for Sallie Whitmire et al.,

Vinita, IndianTerritory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, the applications for the enrollment of Sallie Whitmire, Helen, Sarah, John, Jodie, and Charley Ward, John D. Davis, William Davis, Ellen Bell, and John O., Nora, Charley Jr., Carrie, Buddie H., Sarah, and Julia Blackburn, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED

Tams Bixby

Commissioner.

Incl. GL-63.
GHL

REGISTER.

Cherokee
F D-453 et al.

Muskogee, Indian Territory, September 30, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applications for the enrollment as Cherokee freedmen of the applicants embraced in the consolidated applications of Jackson Davis et al., Cherokee Freedmen D-453 et al.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby

Commissioner.

Incl. GI-64.
GHL

Muskogee, Indian Territory, September 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Jackson and Caroline Davis; Sallie Whitmire, and her grand-children, Helen, Sarah, John, Jodie, and Charlie Ward; John D. Davis; William Davis; Ellen Bell and her children, John C., Nora, Charlie, Carrie, Buddie H., Sarah, and Julia Blackburn; and Mannie Bean, as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting said applications.

Respectfully,

Tams Bixby

Commissioner.

Incl. GL-65.
GHL

Through the
Commissioner of Indian Affairs.

Muskogee, Indian Territory, August 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a reply of the Cherokee Nation to a motion for a rehearing in the Cherokee freedman case of Jackson Davis, et al, D. 453, et al. Copy of this reply is shown to have been served on Starr and Patten, Vinita, Indian Territory, attorneys for applicants. The records of this office fail to show that a motion for a rehearing in this case has been filed with it.

The decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applicants embraced in the Cherokee freedman enrollment case of Jackson Davis, et al, was, together with the record of proceedings had in the case, forwarded to the Department on September 30, 1905.

Respectfully,

Commissioner.

Encl. N.A.22-2.

Through the Commissioner
of Indian Affairs.

(COPY)

D.C.53175-1906. J.F.jr.

DEPARTMENT OF THE INTERIOR LLB

WASHINGTON.

I.T.D. 8339-1905. November 30, 1906.
13508- "
15332- "
10017-1906.
17176- "

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On October 13, 1905 (Land 78759), the Indian Office transmitted your report dated September 30, 1905, forwarding the record in the matter of the applications for enrollment as Cherokee freedmen by Jackson Davis for himself and his wife, Caroline Davis; by Sallie Whitmire for herself and her minor grandchildren Helen, Sarah, John, Jodie, and Charlie Ward; by John D. Davis for himself; by Ellen Bell for herself and her minor children, John O., Nora, Charlie, Jr., Carrie, Buddie N., Sarah, and Julia Blackburn, and by Mannie Bean for herself. Accompanying this record is your decision dated September 29, 1905, adverse to all of the applicants.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for review in this case. This motion is considered to be without merit and is hereby denied.

On November 4, 1905, the attorneys for the applicants protested against your decision adverse to these applicants.

On November 15, 1905, the Indian Office transmitted a communication dated November 8, 1905, from the attorneys for the nation, filing argument in reply to the protest of the applicants' attorney.

On august 10, 1906, the attorneys for the applicants filed a motion for rehearing in order that further testimony might be introduced in behalf of the applicants.

On September 11, 1906, the Indian Office transmitted your letter dated August 22, 1906, forwarding the reply of the nation to the motion for rehearing.

The Department has considered the motion for rehearing. The supporting affidavits show no new evidence which by diligent search could not have been discovered prior to the closing of the case. The evidence desired to be introduced appears to be merely cumulative, and being negative in character would be ineffective.

Said motion is hereby denied.

An examination of the testimony in the case discloses no error in your decision.

The preponderance of evidence establishes the fact that the principal applicant did not remove to and take up his residence in the Cherokee Nation as contemplated by the treaty of 1866 and the act of Congress approved April 26, 1906 (34

Stat., 137). This, together with the presumption raised by the decision of the Supreme Court of the Cherokee Nation, dated June 8, 1871, adverse to the principal applicant in this case, is decisive.

Your decision is affirmed.

The record, motion and accompanying papers have been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

1 inc.12 inclosures to I.O.

Through the Commissioner
of Indian Affairs.

Cherokee Freedmen
D 453 et al.

Muskogee, Indian Territory, December 12, 1906.

Blue & Bulger,

Attorneys for Jackson Davis et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applications for enrollment of Jackson Davis, et al. as Cherokee freedmen, was affirmed by the Department on November 30, 1906. Your motions for review of said cases filed September 7, 1905, and for rehearing filed August 10, 1906, were denied by the Department on the same date.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Encl.B-55
L.M.B.

Commissioner.

Cherokee Freedmen
D 453 et al.

Muskogee, Indian Territory, December 12, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applications for enrollment of Jackson Davis, et al. as Cherokee freedmen, was affirmed by the Department, November 30, 1906. A motion for review in said cases filed by attorneys for applicants on September 7, 1905, and a motion for rehearing filed on August 10, 1906, were denied by the Department on the same date.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Encl.R-54
L.M.B.

Commissioner.

Cherokee Freedmen
D-456.

Muskogee, Indian Territory, December 14, 1906.

William Davis,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, your application for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior, November 30, 1906, and motions for review of said case, filed September 7, 1905, and for rehearing, filed August 10, 1906, denied.

Respectfully,

JMH.

Commissioner.

(C O P Y)

D.C.55755-1906. GAW

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land
110388-1906. WASHINGTON. December 22, 1906.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Sir:

Referring to your communication of the 15th instant, there is inclosed herewith a copy of Office letter of October 13, 1905, reporting upon the Cherokee freedman case of Jackson Davis, et al.

Very respectfully,

(Signed) Frank M. Conser,

WSE:LM Chief Clerk.

DEPARTMENT OF
COMMISSION TO THE FIVE C
FILED
MAY 3 '90

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date: Nov 13, 1901

Post Office: Braden, I.T.

District: Tenn

1. Name: William Davis — Age: 46

Owner's name: — Citizenship:

Year: R.C. Page: 103 No. 2571 District: Tenn

Parents:

Father: Will Davis — Citizenship: Colored

Mother: Lena " — Citizenship: "

2. Name of wife: — Age:

Owner's name: — Citizenship:

Year: Page: No. District:

Parents:

Father: — Citizenship:

Mother: — Citizenship:

Names of Children:

3. Year: Page: No. Dist.
4. Year: Page: No. Dist.
5. Year: Page: No. Dist.
6. Year: Page: No. Dist.
7. Year: Page: No. Dist.
8. Year: Page: No. Dist.
9. Year: Page: No. Dist.
10. Year: Page: No. Dist.
11. Year: Page: No. Dist.
12. Year: Page: No. Dist.

Application made by: Self — Stenographer: E.K. Rothwurger

On R.C. roll as Will Davis
On Wallace roll P 112, No 2369 Resist unknown
Test case v. City No 11453
Represented by Mellette & Smith, Muskogee, I.T.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. William Davis,
Hayden, I.T.
Cherokee F-D-456
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 900

Trans. from C. Fr. D. 457

Cher. Fr. R. 900

Regular Term of Circuit Court, Coweescoowee District, Cherokee Nation. June 19th, 1897.

Hon. T. M. Buffington. Presiding.

Nila Blackburn Plaintiff.

Case No. 1474

Filed June 19 1897

Cher. F. D. 457

What, therefore, GOD hath joined together, let not man put asunder.

THIS CERTIFIES,

That Charles Blagburn		Elen Davis
of Cherokee Nation	a n d	of Cherokee Nation
Indian Territory		Indian Territory

WERE UNITED IN

H O L Y M A T R I M O N Y

By me, according to the ordinance of GOD and the LAWS of the Indian Territory at Sidney Thompsons on the Thirtieth day of August in the year of OUR LORD, One Thousand, Eight Hundred and seventy nine.

Witnesses	Sidney Thompson	Rev Wm Adams
	Charles Hews	Pastor Lightning Creek Baptist Church.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Ind. Ter., Aug. 20, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of Jackson Davis, F. D. 453.

Commissioner.

Regular Term of Circuit Court, Goodwaterowe Division, Tennessee

Nation. June 19th, 1897.

Hon. T. M. Huffington. Presiding.

Ella Blackburn Plaintiff,

Cher. F. D 457

Regular Term of Circuit Court, Cooweescoowee District, Cherokee Nation. June 19th, 1897.

Hon. T. M. Buffington. Presiding.

Ella Blackburn Plaintiff,

vs. Suit for Divorce.

Chas Blackburn Defendant.

This case coming on for a hearing and Plaintiff answering "Ready" and defendant being called three several times and not answering, judgement was rendered by default.

It is therefore Ordered and Adjudged by the Court; That the Bonds of Matrimony, now and heretofore existing between the Plaintiff Ella Blackburn and the Defendant, Chas Blackburn be, and are hereby dissolved.

Given under my hand and in office this the 19th day of July 1897.

T. M. Buffington
Circuit Judge of the Northern Judicial Circuit, Cherokee Nation.

(SEAL) Attest. Joe M. Lahay Clerk
Cooweescoowee Dist. C. N.
By R. Lee Comer
Dept Clk

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Ind. Ter., Aug. 20, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of Jackson Davis, F. D. 453.

Commissioner.

Cher. F. D 457

Regular Term of Circuit Court, Cooweescoowee District, Cherokee Nation. June 19th, 1897.

Hon. T. M. Buffington. Presiding.

Ella Blackburn Plaintiff,

vs. Suit for Divorce.

Chas Blackburn Defendant.

This case coming on for a hearing and Plaintiff answering "Ready" and defendant being called three several times and not answering, judgement was rendered by default.

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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Ind. Ter., Aug. 20, 1902.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of Judson Davis, F. D. 453.

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Chelsea, I. T., May 31, 1901.

In the matter of the application of Ellen Bell for the enrollment of herself and seven children as Cherokee Freedmen; she being sworn and examined by Commissioner T. B. Needles, testified as follows: Mellette & Smith, Attorneys for Applicants.

Q What is your name? A Ellen Bell.
Q How old are you? A They said I was about one year old when the war broke out.
Q What is your postoffice? A Hayden.
Q What district do you live in? A Goweescoowee.
Q Well, do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever applied to be enrolled by any other nation or tribe? A No sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many? A Seven.
Q Are you married? A Yes, I have been but not now.
Q What is your husband's name? A William Bell.
Q Is he living? A Yes sir.
Q Are you living with him? A No sir.
Q Is he a Cherokee citizen? A He is claimed.
Q Give me the names of your children, please. A John O. Blackburn, by my first husband.
Q How old is he? A August 31, 1880.
Q He is twenty now? A Yes sir.
Q The next child's name? A Nora Blackburn.
Q How old is Nora? A March 19, 1882.
Q The next one? A Charlie, December 26, 1884, - 17.
Q The next one? A Carrie Blackburn, born Sept. 15, 1886.
Q The next one? A Buddie H. Blackburn.
Born Sept. 7, 1888.
Q The next child? A Sarah Blackburn, born Jan. 24, 1890.
Q Next? A Julia Blackburn, born Jan. 14, 1892.
Q Were you ever married before you were married to Bell? A Yes sir.
What is Your first husband's name? A Charles Blackburn.
Q Is he living? A Yes sir.
Q You are not living with him? A No sir.
Q Was he a citizen? A Yes sir, he is a claimant.
Q Is he on the roll of 1880? A He is on the Kerns Clifton Roll.
Q What is your father's name? A Jack Davis.
By Edgar Smith: Who is your father? A Jack Davis.
Q Is that the same Jackson Davis who applied here this evening? A Yes sir.
Q Who were your brothers and sisters? A John Davis, Bill, Sarah Whitmire, Lizzie Grimes, and William Davis.
Q Bill and William is the same one? A Yes sir.
Q You were too young to remember when you came back to the Cherokee Nation after the war? A Yes sir, I don't remember anything about it at all.
Q How old did you say you were when the war broke out? A My father said I was one year old at the breaking out of the war.
Q Where have you lived ever since you can remember? A Right here.
Q In the Cherokee Nation? A Yes sir, in the Cherokee Nation.
Q When you and your husband were married, were you married according to Cherokee law? A Yes sir, according to Cherokee law.
Q How long have you and your husband been separated? A Ever since the Dixon payment at Hayden.
Q Were you married before you married Bell? A Yes sir.
Q What is your name now? A Bell.
Q Were you married to Blackburn before you married Bell? A
Q Have you any certificate of marriage to your husband Blackburn?
A Yes sir, that is it I gave to you; that is my first marriage.
Q What became of Blackburn? A He is here in the Cherokee Nation.

Q You and he separated? A Yes sir.
Q Did you get a divorce from him? A Yes sir.
Q Where did you get your divorce? A (Hands paper to her Attorney)
Q Are all of your children named Blackburn? A Yes sir.
Q You have no Bell children? A No sir.
Q What was Blackburn, a state man, or a citizen? A A citizen.
Q What did he claim to be a Freedman citizen? A Yes sir.
Q Was he on the 1880 roll? A No sir.
Q He was one of the disputed citizens, was he? A Yes sir, only on the Kerns Clifton Roll.
Q When did you get this paper? A I got this paper - came to me from Claremore I guess.

Mr. Smith: If the Court please, I desire to offer a certified copy of the judgment in a suit for divorce from the Cherokee Court.
Com'r Needles: Applicant presents certified copy of divorce between applicant and Charles Blackburn, her former husband.

Q Where do you live now? A Here on Lightning Creek.
Q How long have you lived there? A Since '79.
Q Have you any farm? A Yes sir.
Q How long have you had it? A I lived on my farm ever since I left my father's house.
Q When did you leave your father's home? A After I and my first husband separated I had a farm of my own, and I lived on it all my life.
Q In the Cherokee Nation? A Yes sir, when I wasn't with my father I was on my own farm.
Q Well he lived in the Cherokee Nation too? A Yes sir.
Q Are you on the Kerns Clifton Roll? A Yes sir.

The 1880 authenticated roll, and the 1896 census roll examined and the names of the applicants not found thereon.
The Kerns Clifton Roll examined and the name of the applicant is found on page 103, No. 2570, Ellen Blackburn, Cooweescoowee District.
(Children are found enrolled, but are transferred to the card of their mother.)
The Wallace Roll examined and the name of the applicant is found on page 157, No. 12, Ellen Blackburn, Cooweescoowee District. " On Questioned List." Note: Parents not given. No evidence that she was a slave of a Cherokee.
The Wallace Roll examined and the name of the applicant appears the second time thereon as follows:
Page 173, No. 3231, Ellen Blackburn, Cooweescoowee District (On Wallace Roll without note.)
The children are found on the Kerns Clifton Roll as follows:

John O. Blackburn,	page 118,	No. 2925,	Cooweescoowee Dist.
Nora "	page 118,	No. 2926,	"
Charles "	page 118,	No. 2927,	"
Carrie "	page 118,	No. 2928,	Cooweescoowee Dist.
Buddie H. "	page 118,	No. 2929,	as Bud Blackburn, Cooweescoowee District.
Sarah Blackburn,	page 118,	No. 2930,	Cooweescoowee District.
Julia Boackburn,	page 118,	No. 2931,	" "

L. B. Bell: Did you go out of the nation during the war? A I was too little to remember anything about it.
Q Did you ever find yourself living up in Kansas in any time? A I don't remember anything about that.
Q You don't remember about returning to the Cherokee Nation with your father? A All I can remember is that I have been here all my life. I don't remember anything else.
Commissioner: Is the Cherokee Nation the first place you can recollect? A Yes sir.
Q You can't recollect ever being in Kansas at all ? A No sir,

3- E. B.

By I don't Recollect.
Q How old do you say you are? A 41 or 2.
Q You have no recollection at all of going out and comeback? A No sir, I don't remember; I was too small.
Q You must have been seven or eight years old, were you? A I don't know how old I was.
Q You are 41 now? A Maybe I was. I remembe of seeing you at my fat's house.
Q You don't recollect comeing from Kansas with your father? A No sir, I don't remember.

Ellen Bell applies for the enrollment of herself and seven children as enumerated herein; she is not identified on the roll of 1880, but is fully identified upon the Kerns Clifton Roll and the Wallace Roll. The names of her children as enumerated herein are found upon the Kerns Clifton Roll. She avers that she is the child of Jackson Davis, who has been listed for enrollment as a Cherokee Freedman on D. Card No. 453, and the testimony in said case will be made a part of the testimony in the case at bar, and a copy of the same will be filed herewith. She avers that she was married to one Charles Blackburn, who is the father of the children for whom she applies, and she make satisfactory proof of divorce from said Charles Blackburn, and asserts that since she is married to one William Bell. She is identified upon the Kerns Clifton and Wallace Rolls as Ellen Blackburn. The records show that Charles Blackburn, the father of said children ,applied to have the same enrolled, and that they were enrolled on D Card 275, but now the applicant claims that she has the custody of the said children, consequently the enrollment of the said children on D. Card 275 with their father Charles Blackburn, will be cancelled, and the children as enumaerted herein will be duly listed for enrollment with their mother, EllenBell, as Cherokee Freedmen upon a doubtful card, for the reason that the name of the mother, the said Ellen Bell, does not appear on the authenticated roll of 1880, and the further reason that their enrollment is protested by the Cheroke Nation. Said Applicant will be notified in due course of the decision of the Commission by mail;- and a copy of the judgment will be filed with D. Card 275, in order that a record be made of the changing of the enrollment of said children from D. Card 275 to the card on which their mother is placed, which will be D 457.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of June, 1901.

Commissioner.

Bruce G. Jones, petty officer, [illegible]

Commissioner.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, J. B. Meagher,
Commissioner.

Signed, J. O. Robson.

Commissioner.

File with Cherokee Freedman D-457. Ellen Bell

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 31, 1901.

In the matter of the application of Jackson Davis for the enrollment of himself and his wife, Caroline Davis, as Cherokee Freedmen; he being sworn and examined by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, Attorneys for Applicant.

Q What is your name? A Jackson Davis.
Q How old are you? A 74.
Q What is your postoffice address? A Adair.
Q What district do you live in? A Delaware.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A My wife and four or five children.
Q Have you got any children under 21 years of age? A Yes sir.
Q Unmarried? A No sir, none unmarried.
(Children will apply for themselves.)
Q What is your wife's name? A Caroline.
Q How old is she? A About 53, I believe it is.
Q Have you and your wife ever been recognized as Cherokee Freedmen?
A Well I have been one portion.
Q Are your names on the roll of 1880? A I don't know whether it is or not.
Q Is it on any of the rolls of the Cherokee Nation? A It ought to be there; I dont know sir.
By Mr. Smith: Well, Jack, are you on the Kerns Clifton Roll? A I suppose I am.

The 1880 authenticated roll and the 1896 census roll examined and the names of the applicants not found thereon.

The Kerns Clifton Roll examined and the names of the applicants are found thereon as follows:

Page 103, No. 2567, Jack Davis, Cooweescoowee district.
Page 103, No. 2568, Carris Davis, Cooweescoowee District.

The Wallace Roll examined and the names of the applicants are found thereon as follows:

Page 110, No. 2331, Jackson David, Delaware District.
Page 111, No. 2346, Carrie Davis, Delaware District.

By Mr. Smith: What are the names of your children, Jack? A One is named Sallie, and William, John and Ellen and Lizzie; I only got five.
Q Are the girls married? A Yes sir, they are all married.
Q Give the names now of each one of the girls? A The oldest one is named Sallie.
Q Sallie what? A Sallie Whitmire.
Q What is the next girl's name now? A Lizzie Grimes; she is a widow.
Q The next girl? A Ellen Bell.
Q What are these papers you handed me, can you read? A No sir, I can't read or write.

Attorney for Applicant desires to offer permits issued by the Cherokee Nation to the applicant for laborers.

Com'r: He presents four permits issued by the Cherokee Nation, which will be filed.

By Mr. Smith: Were you a slave during the war? A I was a slave.
Q Whom did you belong to? A A man by the name of Dr. William Davis.
Q Now was he a Cherokee Indian? A No sir, he was a white man of a Cherokee family

Q Who was his wife? A Polly Burns, I think.
Q Do you remember? A I remember, but she has been dead so long.
Q Where were you living at the time the war broke out? A Flint District.
Q With the family you speak of? A Yes sir, I was raised with them
Q Did you go out of the nation during the war? A Yes sir.
Q Where did you go? A I went to Kansas, I was with the old army
Q When did you come back to the Cherokee Nation after the war?
A I come back in '66.
Q How many children did you have then? A Had all the children that I have got now.
Q Did you bring them back with you? A Not when I first come, I didn't bring them right in; I brought them afterwards. Ifirst come myself and looked for a location and went back and got them.
Q Where did this man, Dr. Davis, you speak of, live? A He lived in Flint District.
Q Near what place? A Near Evansville.
Q Can you state what time of the year 1866 you came down? A Not exactly sir, it has been so long; I can't just exactly make a good statement of that.
Q Who did you come with? A I come with a man by the name of Mr. Webber and others.
Q What was Webber's first name? A Sam.
Q About how old do you think you are now? A I am just 74 years old last Christmas past; Christmas day was my birthday.
Q When did you and Caroline, your wife, marry? A We was together before the war, but we separated at the time of the war, and in slave time we lived together, and got together again; we were married before the war.
Q Is there anyone here who knows when Caroline came back to the Nation, do you know? A Yes sir, she was here with her mother and grandmother, here at Fort Gibson, she claims; I wasn't living with her at that time.
Q Who did Caroline belong to? A A family by the name of George Whitmire.
Q Was he an Indian? A Yes sir.
Q Where did he live? A He lived down in Goingsnake District.
Q Near what place? A I couldn't tell you what place it is; what the name is; on the Baron Fork, I believe it is.
Q Is your recollection as good as it used to be? A No sir, not near as good as it used to be; I don't remember; I can't keep things in my head.
Q You don't remember how old you are? A No sir, I don't remember, but we come pretty close to think it.
L. B. Bell: Where did you start from in Kansas, Jack, when you started back to the Cherokee Nation? A I started from about fifteen miles above Fort Scott.
Q Who come with you? A Samuel Webber.
Q Well, where did you come to? A We come all down to Horse Creek, and all through the territory above here.
Q Where did you finally locate? A I stopped a while out towards Big Creek and located there a while and then it didn't suit me there, I left there after so long a time, I don't know how long I stayed there; there wasn't anything to eat and I hammered around in Big Creek a while.
Q Was it three or four weeks? A Yes, I reckon it was about that time.
Q And then where did you go? A I knocked about and I had to work for something to eat; I was scared of money, and worked around wherever I could get labor to do on one place and another.
Q When you left Big Creek where did you go? A After so long a time I was on Rock Creek and I moved to Grand river.
Q You went to the mouth of Rock Creek then? A Yes sir. I dont

know how long; I was hard up then, and dates I couldn't keep them no how.

Q Which side of Grand river did you settle? A On the south side when I first settled there; I just rented around among them.

Q You said you went to Big Creek from the mouth of Rock Creek?

A You know I lived on the other side.

Q Where did you live at on the other side, we call it the east side on the side that Lynch's Prairie is on? A Yes, sir, on the east side.

Q Where did you live there the first year after you left Big Creek? A I lived with a man by the name of Wolf on his place, in a little house in the woods there.

Q Well then after you left Wolf, the next year where did you live?

A I stayed there two or three years with him; three I think.

Q Well, after you left Wolf where did you go? A Across the river.

Q On the place you are living now? A Yes, sir, on the place I am living now.

Q Been living there ever since? A Yes, sir

Q Never moved out and stayed five or six years? A No sir.

Q Never scouted none? A No sir, never scouted a day.

Q Didn't scout any when Pinkey got after you for tobacco? A No sir, didn't scout then.

Q You are pretty certain you stayed three years on the Wolf farm?

A I reckon about three years; I guess it was near three years I stayed over there. I didn't have no place, I was just renting around from those families from one and then another.

SAM WEBBER, being sworn by Commissioner Needles, and examined by Attorney Edgar Smith, testified as follows:

Q State your name? A Sam Webber.

Q What is your postoffice? A Nowata.

Q How long have you lived in the Cherokee Nation? A Ever since '66.

Q Are you a freedman citizen of the Cherokee Nation? A Yes sir.

Q Are you on the ~~xxx~~ 1880 roll? A Yes sir.

Q Do you know Jackson Davis, who is the applicant in this case?

A Yes sir.

Q How long have you known him? A I have seen him before the war, but just to know him; I never knowed him right good until the time of the war I got acquainted with him good.

Q Where did you see him before the war? A I seen him down here in the nation; he come to Big Creek.

Q You had some acquaintance with him before the war commenced?

A Yes sir, of course I was a little acquainted with him.

Q When did you first see him after the war? A In the time of the war you mean, don't you?

Q I mean when did you first see him after the war in the Cherokee Nation? A I seen him in '65; in the fall of '65.

Q Where abouts? A He come with us there to Horse Creek; my first trip to this country.

Q Was he married at that time in '65? A No sir, he wasn't married right then; he was a single man; he had his children you know.

Q Did you know his wife, Caroline? A I got acquainted with her too about that time or a little before.

Q Had you known her before the war or not? A I don't remember as I do before the war.

Q Do you know who Jack belonged to? A No sir, I don't really know who owned him.

Q Was he a slave before the war? A I suppose he was.

Q Do you know whether Caroline, his wife, was a slave or not?

A I suppose she was; I don't know.

Q I don't know whether you know or not. Do you know who she belonged to? A No sir, I don't know.

Q How long did you stay and how long did Jack Davis stay on

Horse Creek in 1865?A We stayed all night together there and I left him there; I went on to Gibson and I left him on HorseCreek, left him there with my family, old man Sam Webber.

Q Your father's name was Sam Webber also? A Yes sir.

Q When did you next see Jack Davis after you left him on Horse Creek in '65? A I seen him on Big Creek.

Q How long afterwards? A The next fall.

Q In the fall of '66? A Yes sir.

Q What family did Jack have at that time? A Just his children.

Q Can you think now how many children there were? A I dont know that I can state all of them; I can state some of them.

Q State all you can? A I can name one Sallie; Franph was her owner. John and Will

Q What were the names of Jack Davis' children at that time? A Sallie

Q The next one? A John and Will.

Q Do you remember any others? A There was another girl I seen, but I can't call her name; she was small.

Q About what time in 1866 was that when you saw Jack and those children? A Along late in the fall of '66 when they come where we were over there.

Q Where were they at that time? A On Big Creek in the Cherokee Nation.

Q Have you known Jack Davis ever since that time? A Yes sir.

Q Where has he been living? A He went to Grand River from there the time I saw him; he was on Grand River after that.

Q Is that in the Cherokee Nation? A Yes sir.

Q Do you know John Davis? A Yes sir.

Q Where does John Davis live? A He lives on Lightning Creek now.

Q How long has he been living there? A I don't know, I can't tell you now; he has been there a good while.

Q Give your recollection or judgment as to the number of years?

A It is pretty hard for me to do; I never noticed him particularly; he had been there a good long while on Lightning.

Q Do you know William Davis? A Yes sir.

Q Is he living or dead? A He is living on Lightning.

Q Do you know Sallie? A Yes sir, she lives on Lightning.

Q Is she married? A Yes, she is married now.

Q What is her name now? A Sallie Whitmire, Dennis Whitmire's wife

Q And what was the other one's name you mentioned a while ago?

A I couldn't tell you.

L. B. Bell: You say you left Jackson Davis late in the fall of '66 at Horse Creek to go to Gibson? A No '65.

Q Who was with him? A My father.

Q What was your father's name? A Sam Webber.

Q Where were they going? A They come down on a hunt and to look around at the country: peace was declared you know.

Q How much of a crowd was with him - you wasn't of the party, you just come across them? A We all left Kansas together.

Q Who was in the crowd? A Jesse Brown.

Q Go ahead? A John Curry.

Q Name another one? A Israel Johnson.

Q Did they have their families with them? A No sir. There was another fellow I can't think of his name?. His name is out of my mind another man.

Q Did you make any locations that fall? A No sir.

Q What became of him when you left him at Horse Creek? A I left him there. I went to Gibson and when I come back to this part of the country, I went to Verdigris, and I never seen him, and I stayed there until March, '66, me and Jesse Brown.

Q And your father? A No sir, he never got with my any more there.

Q Where did you leave him? A On Horse Creek. When we left there we went to Goodys Bluff on the river.

Q When you went to Goodys Bluff you got with Jesse Brown? A No sir.

Q Who was with you at Goodys Bluff on the hunting trip? A Jesse Brown, John Strop, Lou May, Tobe Drew and son.
Q Where there two Jesse Brown's? A No sir, only one I know.
Q You said just now you left Jesse with your daddy? A No sir, I said Jesse and I went to Gibson.
Q You and Jesse left them there? A Yes sir.
Q When did you come down here and settle? A In the fall of '66.
Q Jack wasn't with you on that trip? A No sir, he didn't come down with me on that trip. He come shortly afterwards.

ABRAHAM HARE, being sworn by Commissioner Needles, and examined by Attorney Edgar Smith, testified as follows:
Q State your name? A Abraham Hare.
Q What is your postoffice? A Wimer.
Q How long have you lived where you live now? A Well, about thirty years, maybe longer.
Q Are you a Cherokee Freedman? A Yes sir.
Q Do you know Jackson Davis? A Yes sir.
Q How long have you known Jack? A I have known him ever since he was a boy.
Q Did you know him before the war? A Yes sir.
Q Where was Jack then when you knew him before the war? A Way down here about east of Tahlequah, as nigh as I can come at it.
(Cherokee Attorney, L. B. Bell, states that; "It is conceded that he is a Cherokee Freedman!")
Q Did you go out of the Cherokee Nation during the war? A No sir.
Q When did you first see Jack Davis in the Cherokee Nation after the war? A Well, as nigh as I can come at it, it was '66, I guess: I met Chief Ross going to Washington, and we were coming in then.
Q Where did you see Jack then? A He was in the crowd with us.
Q What place? A At Neosho River, coming down.
Q Where did you go t? A We come down to Big Creek; part of us went to Big Creek and part went on to Gibson.
Q How many children did Jack have - what were their names? I remember some of the boys.
Q Who were they? A John and Will; they were small boys then.
Q Did he have some girls? A I don't remember. I think he did though.
Q Where did you make your location? A On Big Creek.
Q Have you been living in that neighborhood ever since? A No sir, pretty nigh it though. I lived down on Grand River about three years.
Q Have you known Jack Davis ever since that time? A Yes sir.
Q Where has he been living? A He has been down on Grand river part of the time and part of the time on Big Creek. He left Big Creek and went to Grand river.
L. B. Bell: What time of the year was it you met Chief Ross?
A In '66.
Q That was the year, but what time was it? A In the fall. I think it was in the fall; it was warm weather; summer. I called it fall.
Q It was along in the summer or fall, was it? A Yes sir.
Q Chief Ross, you mean old John Ross? A Yes sir.

Commissioner Needles: Jackson Davis applies for the enrollment of himself and his wife, Caroline. Upon examination of the rolls of 1880 his name cannot be found thereon. He and his wife are both duly identified on the Kerns Clifton Roll and the Wallace Roll according to page and number of the said

rolls as indicated in the testimony, and makes satisfactory proof as to residence. By reason of the fact that their names are not found upon the authenticated roll of 1880, and the further fact that their enrollment is protested by the Cherokee Nation, the said Jackson Davis and his wife, Caroline, will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration of the Commission. They will be notified of the decision of the Commission when rendered by mail.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

Signed, E. C. Rothenberger.

Subscribed and sworn to before me this 3rd day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., May 31st, 1901.

Supplemental Testimony in the matter of the enrollment of Jackson Davis as a Cherokee Freedman.

CARRIE DAVIS, being first duly sworn, by Commissioner T. B. Needles, testified as follows:

Appearances:
Mr. Smith, of Firm of Mellette & Smith, Attorneys for Applicants.
Mr. L. B. Bell, Cherokee Representative:

Examination by Mr. Smith:

Q State your name? A Carrie Davis now; I used to be Carrie Whitmire.
Q Is Jack Davis your husband? A Yes, sir.
Q How old are you? A I am 64 years old.
Q Were you a slave during the war? A Yes, sir.
Q To whom did you belong? A Belonged to George Whitmire.
Q Was George Whitmire an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Where did he live before the war? A Down in Going Snake on the Barren Fork.
Q Were you out there when the war came up? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war?
A Yes, sir.
Q When did you come back? A '66.
Q Where did you come to? A Fort Gibson.
Q Now, where have you been living since? A I was, since I have been living on Grand river, 33 years.
Q Been living on Grand river 33 years? A Yes, sir.
Q Now, you dont know of your own personal knowledge what time Jack Davis got back? A No, sir; I don't know just when he got back, I know where I found him.

By L. B. Bell:

Q Who was it you belonged to? A George Whitmire.

Q Where did you go when you went out? A I went to Fort Scott.
Q You went up to Kansas too? A Yes, sir.
Q When did you return? A I returned in the summer of '66.
Q Who come with you? A My old step-grandfather and Henry Herrill and another man by the name of Murray.
Q Henry Herrill? A Yes, sir.
Q Who was your grandfather? A Old uncle Daniel Sanders.
Q He is dead now? A Yes, sir, and my grandmother.
Q Your grandmother is dead isn't she? A Yes, sir, Tempa Sanders.
Q Is Anybody alive that come with you? A No, sir, but my brothers and sisters; my brothers lives at Gibson they come from the south.
Q What was their names? A Betsy Whitmire was my mother.
Q Is she alive? A No, sir, she is dead.
Q Now, who was down there at Gibson when you first got there?
A The first one I saw was Solomon Forester and his wife, Elizabeth Forester; I went to their house; that is where the first house I went to was Forester.
Q Did you know a woman that was down there by the name of Amanda Forester? A Yes, sir, I did.
Q Did you see anything of her when you went there? A Yes, sir; I saw her.
Q In '66; she was living there in '66? A Yes, sir, I was right there at her house.
Q Where did you start from when you started from Kansas?
A I started from Fort Scott.
Q That is where you were living? A That is where I was.
Q About how many with you in that crowd? A Four or five with me; I was down on the old Military road.
Q You come down the old Military road did you?
A Yes, sir, right by where you used to live.

By Mr. Smith:

Q How long have you and Jack Davis been living together as man and wife? A Well I must got with him; it must have been in '69 I think, or '68, I don't know which.
Q You and he had been married in war times? A No, sir, I wasn't married before the war, but I knowed him.
Q When were you married? A We married it must have been in '69 or '68, I don't know which, one of them I was married to him.
Q These children then are not your children? A No, sir; they are my stepchildren.
Q You are looking out now for yourself? A Yes, sir, I was looking then for these.

By Mr. Bell:

Q Were you with Jack when you stayed there at the mouth of Rock Creek? A Yes, sir, I was with him then, but I hadn't been with him long.
Q You were with him a year or two? A Yes, sir, I found him up on Big Creek, all my people was living down there, Johnson Whitmire people, there was two brothers of the Whitmires.
Q You and him didn't marry since you found him on Big Creek?
A Yes, sir, and then we moved to Grand river.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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(Extract from testimony introduced by applicant, Caroline Davis, June 1st, 1901.)

Supplemental testimony.
F. D. #455.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1st, 1901

Supplemental Testimony in the matter of the enrollment of Caroline Davis as a Cherokee Freedman.

LEWIS WHITMIRE, being first duly sworn by Commissioner T. B. Needles, testified as follows:

Appearances:
Mr. Smith, of Firm of Mellette & Smith, Attorneys for Applicants:
L. B. Bell, Cherokee Representative:

Examination by Mr. Smith:

* * * * * * * * *

(Note: Portion of witness' testimony omitted, as not affecting rights of applicant, Jackson Davis, or his children by his former wife.)

Q Mr. Whitmire, do you know Jack Davis? A Yes, sir, I know Jack Davis well.
Q Do you know John Davis? A Yes, sir.
Q William? A Yes, sir.
Q Sallie? A Yes, sir.
Q And what others are there? A Allen, and then they has got two children that I haven't seen for quite a while and I disremember their names.
Q Do you know the mother of those children? A Yes, sir, I recollect her well.
Q What was her name? A Julia.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Bob French's wife.
Q Was Bob French's wife a Cherokee citizen? A She was called that.
Q Where was this woman, Julia, at the time the war broke out?
A She was dead if I don't make a mistake.
Q Well, whose slaves were John and William and these other children you have mentioned, what family did they belong to?
A They belonged to the French family.
Q Do you know where they were when the war broke out?
A No, sir, I don't know where they went when the war broke out.
Q Did you know of your own knowledge when they came back?
A No, sir, I didn't.

* * * * * * * * * * *

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the fore-

going is a true and complete transcript of his stenographic notes thereof.

Signed, J. O. Rosson.

Subscribed and sworn to before me this 4th day of June, 1901.

Signed, T. B. Needles,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

Bruce C. Jones

Sworn to and subscribed before me this 27th of August, 1901.

Commissioner.

Supl.C.F.-D.#453. File with case of Ellen Bell, et al.,
C.F.-D.#457.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 11th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Jackson Davis as a Cherokee Freedman, introduced on part of Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Mellette & Smith, for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

THOMAS HAMILTON, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Thomas Hamilton.
Q Where do you live, Mr. Hamilton? A Mapleton, Kansas.
Q How old are you? A 73.
Q How long have you livedat or near Mapleton, Kansas? A Since '57.
Q What business do you follow, Mr. Hamilton? A I usedto be a farmer, I don't . do anything now for a nukber of years.
Q Did you, while you were living at Mapleton or in that vicinity, become acuainted with a colored man by the name of Davis? A I did.
Q What was his first name? A Jack, we used to call him.
Q Did you know any of his family? A I knowed John and William and he had two gals, but I forget their names.
Q Where were you living when you first got acquainted with him, Mr. Hamilton? A At Mapleton.
Q About when did you first get acauainted with him? A I think it must have been sometime in '63, I would not be positive.
Q Well, after you got acquainted did he work near you after that any? A He worked for my wife, I was working in the government shop and he worked for her.
Q Now, did you leave Mapleton and go away to any place after that? A I worked in the shop after I got acquainted with him and then I left and went to Fort Smith.
Q Fort Smith, Arkansas? A Yes, sir.
Q About how long were you gone to Fort Smith, Arkansas? A Well, maybe three months, I don't remember, it was not long.
Q When you came back where was Jackson Davis if you know? A I think he was working for my wife when I got back.
Q Do you know whether he farmed any while he was living up in that country? A Yes, I know he farmed.
Q Well, what years did he make crops up there, Mr. Hamilton? A I think he must have made a crop in '66, '67 '68 and he might not have done it in '68, he made two crops.
Q Made two crips did he? A Yes, sir.
Q Well, did you know his wife? A I wasn't acquainted with her, but I have seen her. They lived about two or three miles and a half from where I lived.
Q After you became acquainted with him did he go off and come back with a wife? A Yes sir, he went off and brought a woman there, when he come he had one woman there.
Q Did his family, these boys and girls, did they leave when he did? A What?
Q When did he move away from that vicinity there, from Mapleton? A He lived there three or four milesfrom me, three or four years.
Q Now, you said he made crops in '66, '67 and '8, now with reference to these crops when did he move away? A He went away pretty soon.
Q Did his girls or boys go away with them? A The girls I knew very little about and well, the youngest boy I never seen him mubh after I went home, only saw him before I come home, I seen John some.
Q Was John there up to the time his father left, or did he leave first, or do you know? A I don't really know, I seen John a number of years afterwards in Fort Scott.
Q Do you know whether he was living there or not? A No, sir, he was running a barber shop. he told me.

MR. MELLETTE: Well, Mr. Hamilton, Jack Davis came to the Territory right here after the war, or soon after the war? A Well, that is my way of thinking that he made two crops up there, I think in '66, he come down here and got a woman and brought up there.
Q well, Jack Davis did come to the Territory in 1866? A I think he come down here in 1866 and got a woman and brought her up there.
Q How long did he stay down here when he came in 1866? A He didn't stay a great while, shortly after that he put the crop in and come and got the woman and went back.
Q Are you certain that is '66 or '65? A That was '66.
Q where did he make a crop you say in 1866? A He made a crop on Larks Creek.
Q Isn't that the last crop he made? A No, sir, I think not.
Q Now, how long ago has that been? A It was '66 and '67.
Q That has been about 36 years ago? A Yes, sir.
Q When did you have you attention first called to this matter?
A Until they come up here and examined here.
Q when was that? A About a month ago.
Q Now, Mr. Hamilton, do youpretend to say that you can remember a man made a crop at a certain place 36 years ago?
A What makes me remember it; I could not swear positively only just my memory lead me to that conclusion.
Q You know that he did come to the Cherokee Nation in 1866?
A Yes, sir.
Q wasn't he back and forth frequently at that time? A I don't think he was.
Q Did you watch him all the time? A No, sir.
Q When did you move Mapleton? A I moved there in '65.
Q You didn't pay a great deal of attention to what Jack Davis was doing about the time? A Not a great deal, only just as I would see him.
Q How far is it from here to Mapleton, Kansas? A About 120 miles
Q How far is it from Mapleton, Kansas, to the Cherokee line?
A I don't know, it must be something nigh eighty or ninety miles.
Q It didn't take long to go from Mapleton, Kansas, down to the Cherokee line and Cherokee line to Mapleton, Kansas? A No, sir, not very long.
Q Well, when he finally left there , whether it was '66 or not, you understand he came to the Cherokee Nation? A That was my understanding, he was the first man to my country to come down here.
Q He was the first man out of your country to come to the Cherokee Nation? A Yes, sir, he was to my knowledge.

Com'r Needles: This testimony will be filed with the testimony in the original case of the applicant, and will be made partof the record in Freedmen doubtful cases #454, #455, #456, and #457.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this October 16th, 1901.

Commissioner.

11.457

File with Ellen Bell, C. F. D. 457.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 14th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Jackson Davis, C. F. D. 457.

APPEARANCES:
Charles S. Davenport for the Cherokee Nation
Mellette & Smith for the applicant.

Mrs. Elizabeth Jane Morris being first duly sworn by Comr. T.B. Needles, testified as follows for the Cherokee Nation:

(By Davenport)
Q What is your name? A Mrs. Elizabeth Jane Morris.
Q Where do you live? A In Linn County Kansas.
Q What is your post office? A Mapleton.
Q How old are you? I was 66 On the 9th day of last March.
Q Did you ever live at Fort Scott, Kansas? 20 miles from there is as near as I have ever lived.
Q When did you move into that locality? A In 1863, in December, where we live now.
Q Have you lived there ever since? A Yes sir.
Q Did you get acquainted with a family of colored people named Davis? A Yes sir, Jack Davis.
Q Do you know his family? A Yes sir.
Q Give their names? A The oldest daughter ,her name was Sallie Jane,she was married, next oldest John, a son, third one was named William, and the fourth was a girl, her name was Lizzie, I dont know as I am correct as to the youngest one, Ellen I think.
Q When did you get acquainted with Jackson Davis' family? A Well in '65.
Q How far did they live from you at that time? A When I first got acquainted with he he was backwards and forwards,but he located in about one mile of where I live, on a man's farm named Jim Morris.
Q That year was that? A '66.
Q How long did he live there? A Until he moved to the Territory.
Q How long was that about? A Well I cant exactly say, if he left in the spring or fall; I am certain that he was there until the fall of '67, he moved away in '67, that is if he left in the fall but if he staid until spring then he left in the spring of '68.
Q You lived within a mile of him? A Yes sir.

(By Smith)
Q What is your name, did you say? A Elizabeth Jane Morris.
Q What is your post office? A Mapleton, Kansas.
Q You dont know whether the Jackson Davis you are talking about is the same man who has applied here to be enrolled do you? A I dont understand you.
QI say, you dont know whether or not the Jackson Davis you are talking about, the one you knew up there in Kansas in '66 was the same Jackson Davis who has applied here for enrollment as a freedman do you? A I dont know who has applied,but I heard that he was down here.
Q But you dont know if it is the same man who applied here? A It must be.
Q Do you know it? A No more than by recommendation, he came here, I am speaking about the man that lived in my neighborhood.
Q That is the same one I am asking you about, is that the same one who has applied here? A I dont know that, of course.
Q Then you don't tho that he is the same man who has applied here? A No sir.
Q Where were you when the war commenced? A I was living at Mound City
Q Kansas? A Yes sir.
Q Were you a slave? A I once was a slave.
Q Were you a slave when the war commenced? A No sir I got my freedom in '57.

Q How many years was that before the war commenced? A The war really commenced in '61.
Q What time in '61? A I dont know exactly as to that, summer or fall.
Q When did it close? A In 1865'
Q What time of the year? A I cant tell you exactly, in the fall as nearly a I remember.
Q Where were you when the war close? A Living on the place where I reside now.
Q Do you live on a farm? A Yes sir.
Q What year is this? A What year is this, this is Nineteen-one or one hundred and one aint it? ~~The~~
Q What is it? A 101 aint it? I am not much of a scholar.
Q In 1866 where were you living? A Right where I reside now.
Q Do you know the difference between '66 and any other year or do you know simply that you have been living where you are now since the close of the war? A I know I have been living where I am living now since the war closed.
Q And that you were living there when the war closed? A Yes sir.
Q Do you know now what happened in 1868? A Several things happened in 1868.
Q Well what? A Wasn't there a great race for nominating a President at that time? A
Q I am asking you what took place then--do you know who was nominated then? A '68 you say?
Q Yes. A I can't say, I can call the Presidents over, some of them.
Q Can you tell me who was nominated in 1868? A In '68 , wasn't this President that was assinated, wasn't he nominated.
Q Who was that, Lincoln? A No sir.
Q Garfield? A I can't remember the different Presidents.
Q Wasn't that the one who was assinated who was nominated in '68? A No, sir, must have been further back than that.
Q The truth about it is,you dont know when Jackson Davis left Kansas if he was ever there? A He was living there in '66 and '7 and left there in '67 or '8.
Q How do you know that? A By the birth of one of my children.
Q When did you first have your attention called to when Jackson Davis lived up there? A There was a gentleman there inquiring of me about what I knowed about it.
Q Who was it? A I dont know, never asked him his name.
Q When was that? A One day last week.
Q Had you ever thought anything about Jackson Davis living there until this gentleman came there and inquired of you about it? A Yes sir I had it perfect when he came there.
Q How did you keep it in your mind all this time? A Because I never forgot it, they was old neighbors and I often heard from him since they left, they had often worked for us, this Mr. Davis.
Q You dont know what time of the year he left there? A To be exact I wouldn't say, but he left there either in the spring or fall, he might have left in the spring of '68, but I think it was in the fall of '67.
Q You think he left there either in the spring or fall but you are not positive which? A Yes sir, one or the other, I would not be positive.
Q You think he was there in '66 and '7 if you are not mistaken? A I am not mistaken about that, he was there then.
Q How many children have you living now? A Two, this was my oldest son that I was speaking about, his birth was put down in the bible, he was born in '66, and I know Davis' wife was visiting me and had him in her lap when he was at the breast, and when they left there he could walk because I led him when we went to say good bye, of course he could not walk all the way.
Q What time was your sone born, what part of the year? A June 4th '66.
Q Who put it in the bible? A One of my neighbors,a Mr. Brinkorn,
Q Where is he now ? A He is dead.
Q Where is the bible? A It is at home but the man that authorized me

here took it from the bible on a sheet of paper, he was it.
Q How did he happen to take it from the bible? A I showed him.
Q Did he tell you what he would like to have you swear? A No sir, he said he wanted the truth as near as I could give it about when Mr. Davis was living there.
Q Did you get a subpoena? A I dont know nothing about no subpoena.
Q You just come down here of your own accord? A I was authorized to come here by that gentleman;I was told that he was a United States Deputy.
Q What did he say about it? A He said he wanted to know as near as could be about when Mr. Davis left up there.
Q He didn't tell you he was a United States officer did he? A No sir,I was told that he was.
Q When did you first get acquainted with Jack Davis? A Must have been in '65.
Q Where was he living then? A Up there near Linn County.
Q What was he doing? A Working around.
Q Married or single? A No sir he married after that.
Q When? A In 1866.
Q Where? A I guess at Fort Scott.
Q Do you know? A I wasn't at the wedding,but I heard that was where h married.
Q Then he was away from Linn County in '66? A No sir he was there all the time where he lived in '66
Q All the time? Mostly.
Q Well how much of the time was he away?A I dont know--in '65 was when I got acquainted with him---
Q Well you say he married in '66? A Yes sir'
Q He was away from Linn County then? A No sir, he was in the draft in '66 if you know what that is.
Q Where was Jackson Davis in the year 1866, can you tell me plainly? A He was on that farm there.
Q You say him yourself? A Yes sir.
Q You di n't see him all the time in '66 did you? A No sir, but he was cropping there then.
Q You say he married in '66? A Yes sir.
Q How long was he away when he married? A He wasn't away from there any time then.
Q Where did he marry? A Fort Scott, Bourbon County.
Q Well then if he went to Fort Scott to marry he was away from Linn county some wasn't he? A He never lived in Linn county, he always lived in Bourbon.
Q Where were you living? A Linn county.
Q Well that was where you were living when you knew him wasn't it? A Yes sir.
Q Well then how could he marry some one in Bourbon county and not leave Linn County to do it? A He never lived in Linn he lived in Bourbon.
Q Do Linn and Bourbon counties join? A Yes sir.
Q Do you live close to the line? A Yes sir.
Q How far from Fort Scott? A 20 miles.
Q You dont know where he really did marry? A I was told he was married in Scott.
Q But of your own knowledge you dont know? A No sir.
Q When did he bring his wife to the place you are talking about? A In '66.
Q What time of the year? A In the spring or summer.
Q How long did he stay there at that place after he brought his wife there? A Until he moved to the Territory.
Q How long was that? A You ought to know how long from '66 to '67 is.
Q You are on the stand how, how long was it? A It was going on two years

and as I tell you, I can't say exactly if he left in the fall of '67 or staid until the spring of '68.
Q You never thought of this matter until that man came there to see you; you never before that took your bible down to see the date before that time did you? A I didn't have no cause to , there was no use to get the bible down to see.
(By Davenport)
Q Did Jack Davis farm there? A Yes sir.
(By the Commission)
Q You say he might have left there in the fall of '67? A Yes sir,if he left there in the fall he left in '67 and if he left in the spring it was in '68.
Q Do you positively state that Jack Davis didn't come to the Territory in the year '66? A I cant tell you anything about that.
Q He might have come to the Territory in '66 and then come back there and you not know it mightn't he? A Yes sir, but he never moved here, he might have come on a visit.
Q He might have come on business too? A Yes.
(By Smith)
Q Do you know a man named Hamilton in that neighborhood? A Yes sir I have been knowing him by name for years, I never knew knew him well.
Q He was living there in '66? A Yes sir, in Bourbon county.
Q Is he the same man who has been here to testify in this case? A Yes sir he told me he had been here twice.
Q Dont you know that Jack Davis was here in the Cherokee Nation in '66, and dont you know that the time you say you saw him there in Kansas he had just brought his wife and children back there? A No sir.
Q When did he marry? A In '66.
Q Where were these children? A They was there and he kept house with them long before he brought this woman who is his wife now.
Q You dont know where he brought this woman from? A She lived in Fort Scott I tell you; she had been in that part of the country where I live a number of times before Davis married here; she had acquaintances there and used to come to see them, used to come and see the Foremans and others there, and had been in my house before she married him.
Q What place did Davis live on then? A The Jim Morris place, he is dead, but his son in law is there yet.
Q His son in law is still living is he?A Yes sir.
Q Is his wife living? A His second wife is living, his first wife is dead.
Q Do you know when Jack Davis went there to live on that place? A Seems to me he went there in '65.
Q What time of the year? A I cant tell you that.
Q Did he live on any other place besides that? A I cant tell you that.
Q From the time you got acquainted with him,did he live on any other place? A No sir,not as I know.
Q How long did he live on that place? A '66 and '67 .
Q How far does this Mr. Hamilton live from you? A 20 miles.
Q For the purpose of refreshing your memory, if Hamilton says Jack Davis came to the Cherokee Nation in '66, is that correct or incorrect? A I cant tell you anything about that .

CHARLES CREIGHTON,being first duly sworn by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation,
(By Davenport)
Q What is your name? A Charles Creighton.
Q How old are you? A I am 80 years old the 20th of September past.
Q What is your post office address? A Mapleton,Kansas.
Q How long have you lived in the neighborhood of Mapleton? A Ever since I came here here about 36 years ago,I think.
Q When did you come to that neighborhood? A In November,time of the election, the 5th or 6th of Novemmer,I know that they was carrying on the election. You all know when that is.

Q What time, with reference to the close of the war? A Next fall after.
Q Since you have been living there did you become acquainted with a colored man named Jack Davis? A Yes sir.
Q Do you know him personally? A I say one boy, I have been to his house but have never been in it.
Q Do you know what place he lived on? A The Jim Morris place, he is dead now.
Q What year was that he lived there? A That was in '66.
Q How far did you live from this Morris place? A One mile northwest of it
Q How long did you continue to live there? A Ever since I came there.
Q How long did Jack Davis live on this place? A I cant exactly tell that --he was there---it was in the spring of '67 that I saw him,it was the time of corn planting.
You went there when? A '66.
Q What fixes that date on your mind? A I have a deed,it was on the 15th day of November '66--I was about a week here when I got that deed.
(Hands deed to attorney)
Q Do you know if Jack Davis was farming on that place? A I dont know,I cant tell you, I never was there but the once, the year I came there or the year after, I dont know which .
Q You saw him there after this deed was executed to you? A Yes sir. I wouldn't know him if I would see him now; he was a kind of yellow fellow then,I dont know if he is yet.
Q You moved on the place that you bought did you? A Yes sir,I was off about ten months, I will tell you how that came—
Q We dont care anything about that—did you live on the place that this deed was given for after you bought it? A Yes sir.
Q And Jack Davis was living on this Morris place that year? A Yes sir
(By Smith)
Q What did you say your name was? A Charles Creighton.
Q What is your post office now? A Mapleton Kansas.
Q Where were you from to that country? A I came from Illinois.
Q You had been there a week when you got this deed? A Only a week,or maybe two weeks.
Q During the—until the month of November 1866 you didn't know this man Davis? A Yes sir I seen him there at his own place.
Q I say, you didn't know him until November '66? A No sir I wasn't there myself before that.
Q You dont know anything about the matter except that you saw him there the following year after you come there? A That is all.
Q After you come there to Kansas you didn't know where he lived until some time after? A No sir.
Q Were you ever at his house? A Never was inside,I was there.
Q Do you know where he was in the year '66, all the year? A He was living there.
Q You dont know where he was until November of that year do you? A No sir it was after I come there that I got acquainted with him.
Q How long has it been since you have seen this man? A Not since '67
Q How long has that been? A I cant tell you; you'll have to figure it out.
Q You figure it? A I am too old to do it.
Q Can't you say how many years it has been ? A No sir my head is too dizzy for that.
Q When did you first have your attention called to when you saw this man Davis first? Did you ever testify against him before? A No sir I didn't know he was on trial before.
Q When was your attention first called to this matter? A Last Friday or Saturday.
Q You had forgotten there was such a man then hadn't you? A No sir I often thought of Jack Davis, I thought of him many times .
Q Just kept on thinking of him for 35 years did you? A I would think of you too if you moved from my neighborhood.
Q You dont know where he lives? A No sir not since the fall of the next year; he was there in the spring of '67 because I was talking to him
Q You only saw him in Kansas? A Yes sir,that is all.

Q That is all you know about it? A Yes sir.

This will be filed in the original application of Jackson Davis, C. F. D. 453, and also in Cherokee Freedman cases D-454; D-455; D-456; D-457 and D-740.

******

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 17th of October, 1901.

Commissioner.

File with Cherokee Freedman D-437, Ellen Bell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14, 1901.

In the matter of the application of Delilah Rowe et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

ELIZABETH JANE MORRIS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Elizabeth Jane Morris.

Q How old are you? A I was 60 the 9th of last March.

Q Where do you live? A I live in Lynn County, Stanton Township.

Q What is your postoffice? A Mapleton.

Q How long have you lived in that section of country there in Kansas, Mrs. Morris? A I have lived there from 1862 up to the present time and living there yet when I am at home.

Q Since you have been living there, did you get acquainted with a colored family by the name of Rowe? A Yes, sir, they were my near neighbors when we were there.

Q Did you know one by the name of Delilah Rowe? A Yes, sir.

Q Did you know her father? A Yes, sir.

Q What was his name? A Daniel Rowe.

Q When did you get acquainted with this family? A When they first came there, that was about the close of the war.

Q How far did they live from you? A About half a mile.

Q Well, how long did they continue to live there near you? A They lived there until they moved to the Territory here.

Q About when was that, if you know, by any circumstances that could have called that to your attention? A The same year that I say, in '67, that Mr. Davis left me.

Q Do you know whether or not they came before or after Jack Davis left that country? A They came before, or at least I got acquainted with them before.

Q Did they come first or Jack David come first? A They came first, Mr. Rowe came first, located.

Q Why do you say he came first, was there any circumstances?

A Well he moved there and lived there and I near neighbor with him and I got well acquainted with them and therefore I say he came first.

Q Well, did you ever hear of any correspondence between them anyway that makes you fix the time or ever know them coming, between the Rowe family and the Davis family? A After Mr. Davis left there they corresponded together.

Q What place are you speaking about that he left? A I thought I told you on Mr. Morris' place, I didn't know of his living on any other place after I got acquainted with him.

Mr. Smith: How long did you say this Delilah Rowe lived there?

A She lived there all the time her father did, with him.

Q What was her father's name? A Daniel Rowe.

Q Well, how long did he live there? A He lived there at the close of the war in '65 as near as I can remember.

Q How long did he stay? A Stayed until he moved to the Territory.

Q Well, how long was that? A That was either in '67, in '67 if it is correct about Mr. Davis, he left the same year as near as I can

he moved in the winter I recollect well, when Mr. Rowe moved, he moved in the winter, I am well aware of that, but I can't tell you exactly whether Mr. Davis moved in the fall or the spring, but Mr. Rowe, he moved in the winter, I have got that affirmed.

Q What time did he come there, in what season of the year was it?

A It was in the spring when Mr. Rowe moved there.

Q Had the war closed? A Well, people was returning home, I guess the war was pretty near closed.

Q When did the war close? A In '65 so it is said.

Q What time? A I can't tell you about what time, they said it closed in '65, but Mr. Rowe, I am satisfied, moved there in the spring.

Q Didn't you tell me a while ago that the war closed in the fall of '65? A That is what I understood, so said.

Q When was it that Mr. Rowe came there, in the fall or spring?

A He came there in the spring, I told you a while ago about the close of the war, there isn't much difference in the fall and spring.

Q Do you know which time of the year he came? A Came along about early planting time.

Q In the spring? A Yes, sir, that is how I know he came in the spring.

Q And the war closed the following fall? A So they said it closed in '65.

Q Well, was it the following fall? A Well I can't tell you, I haven't memory enough, they said it closed in the fall.

Q Well how did you get down here to testify in this case? A Didn't I tell you a gentleman came up there for me, wasn't I subpoenaed to come here and testify, when he came he brought Hamilton as a witness to my testimony, I didn't know at the time who he was but I was told since that he gave his name as a United States deputy.

Q You had no subpoena from the Dawes Commission to come here and testify?

Mr. Davenport: I object to that mode of examination; if the witness is here, she has got a right to come whether she is subpoenaed or not.

Commissioner: It is a circumstance as to the whole matter, but it does not make any difference.

Q What is your answer to that; you didn't have any subpoena from the Dawes Commission to come here and testify? A I don't know anything more about the commission than anything in the world; he came and said he was doing government business.

Q How do you know this is in '67, how are you fixing it this time?

A From the age of my child, that is how I fix it.

Q How many children did you ever have? A I have had five in my life and only two are living.

Q What was the date that the child that you fix this date by was born on? A June 24

Q What year? A 1866.

Q When was the next one born? A It was October 25.

Q What year? A I forget the year now, it is recorded in my bible, it was October 25, I forget the year.

Q How much order was the first child than the second one? A My boy; 7 years older; let's see, I can can cound that up, my oldest son was born June 24, I was telling you, and the next one I forget the date of the year, but it was October 25, but I forget the date of the year now, but my oldest, I have that, they are both on record right now, but I have forgot the next boy, the date of the year, but I have the day of the month.

Q Well, was it the next year after June 24, '66? A After this next one, no, sir.

Q The next one, not the youngest, the next one? A The one that died, it wasn't more than 2 years between the one that died and this one I was telling you that I have the date of, October 25, there was quite a difference in their ages.

Q How much? A I can't tell you exactly but I can recollect the date of the month.

Q Can you tell the year when any child was born except the one you have just told me about? A Yes, sir, my oldest girl was born April 28.

Q What year? A That was in '65.

Q April 25? A No, it was April, it wasn't '65, there is two years between my girl and my boy.

Q Well then what year was she born in? A Must have been in '64, wouldn't that make two years.

Q You know, don't you; what was it? A I know there is two years and some weeks.

Q Well, what year was it now? A Must have been in '64 as I told you, must have been, there is two years between the two.

Q Do you swear it was? A I told you about ~~xxxxxx~~ as near the truth as I can tell you; if he was born in '66 and he is two years younger than the girl, that would make her born in '64.

Q Now when was your child next to the boy born, what date, next after the boy that was born in '66? A I told you I can't remember the date of the year, I can remember the date of the month, I forget the date of the year, it is in the bible.

Q Outside of these two you have been talking about, you can't give the dates when any one of the other three children were born, can you? A I can remember the dates of three of them.

Q Well, what about the others, do you know what years they were born in? A My oldest child was born the 28th of August.

Q What year? A I will tell you in a minute, if you wont hurry me; '57, the borth of my oldest child, it is dead, she was born August 28 of 1857, understand.

Q How many years was that before the war? A Four years isn't it, close onto.

Q Now when did you first know this woman with reference to the time your child was born? A Who, Delilah?

Q Yes; when did you first know her with reference to the time the child was born, the one that was born in '66? A I got acquainted with her of course when her father first moved to the country, she was a little girl when her father first moved and settled where he lived.

Q Well, when did you say that was? A I told you it was right about the close of the war.

Q About the close of the war; you don't know whether it was before or after? A Must have been after, because the colored people was liberated.

Q You don't know how long though? A They come there in the spring as I told you right in planting time because they came to our house to speak for some potatoes to plant, that wasthe first visit he made us after he moved up there.

Q How far did he live from you? A Not more than a mile, right in sight.

Q How long did he live on that place? A Lived there until he moved to the Territory.

Q How long was that? A Well, as I told you, they came the year, or the year after, that Mr. Davis came.

Q This woman was just a child then? A When they first moved there she was a little girl.

Q Well, was she a little girl when they moved away? A No, she was a mother, she got to be a woman because her child was born there because I am the one that took care of her.

Q You say Delilah was a little girl when she came there? A Well, a small girl.

Q And she moved away? A She came away with her father.

Q When was that, in '67? A I think it was in '67.

Q And she was a little girl when she went there? A When her father moved on the place there.

Q That was the spring after the war closed? A When they moved

there, yes.

Q And moved away in '67, and she was a little girl when she came there; is that right? A She was a little girl when she came there.

Q Now what was it you said about being a young woman when she went away? A She was a mother, she must have been a woman, she had that child before she moved away.

Q She did? A Yes, had that child living right up there where they lived all the time they were up there.

Q About how many years old do you think she was when they came there about the time the war closed? A Well, she might have been 10, 11, somewhere along there..

Q You think she was as much as 10? A I can't say, it is just guess work; of course she might have been more than that.

Q How old did she appear to be when she had this child, was she a young woman? A She was old enough to be a mother, I can't tell you anything about that.

Q Did she look like she was a fully developed and matured woman?

A She was large enough in size but I don't know what her age was.

Mr. Davenport: She was large enough to give birth to and raise a child? A Well, she had it, because I was with her when she child was born and took care of it.

Commissioner: What was Delilah Rowe's father's name? A Daniel Rowe.

Q You say she lived in Kansas with him in the winter of '67? A No, it was '67 when they left.

Q Maybe it was the winter of '66 then? A No, it wasn't '66 because Mr. Davis hadn't moved in '66 and he didn't go down till after Mr. Davis moved down.

Q You said that he came down before Mr. Davis, one time; you said something about Mr. Davis coming down, you said that he came down to the Nation to get his wife, didn't you say something about that; you said Mr. Rowe, the father of Delilah moved down before Davis did, and that he moved down in the winter of '67? A Davis moved first, didn't I tell you; you have got it wrong; didn't I tell you Mr. Davis moved down and wrote to Mr. Rowe a letter.

Q You say now that David moved before Rowe, do you? A Of course he did.

Q How long before? A Well, I can't tell you how long.

Q Well, didn't you say in your examination that Davis moved down you think in the winter of '67? A I said that is what I thought, I wouldn't be positive.

Q Sometime during the winter? A Yes, the fall.

Q You don't know whether it was the first part or the last part?

A No, I can't say for certain.

Q Couldn't it have been the last part of the winter of '66; you know the winter is in '66 and '67? A That is what I know, but didn't I tell you I know by my child was born in '66 and didn't I tell you the child could walk and didn't I come down to tell Mr. Davis good-bye, the child walked part of the way and that was in '67, that is what I told you in plain words, that Mr. Davis was there in '66 and '67.

Q That time was the child born? A The child was born seems to me the latter part of the winter or spring.

Q Latter part of the winter or spring of what; '66? A No, the year after he moved down.

Q I am talking about this child that you say could walk? A That is my child.

Q That is what I am talking about? A Didn't I tell you all the time he was born in '66.

Q What month? A The 24th of June, 1866.

Q How old does a child have to be up there before it is old enough to walk? A They generally walk sometimes inside of a year, I would give a child a year; I told you in plain words the child was born on June 24, 1866, and if he would walk, would make it throw him into '67, I told you that Mr. Davis moved down first and wrote to Mr. Rowe

a letter when he was living there and Mr. Rowe brought the latter to my husband to read it, he couldn't read writing and my husband could.

Q That is the first you have said about a letter since you have been under examination in this case? A Well, that was the way of it.

Mr. Smith: Applicant objects to the testimony with reference to the letter, for the reason that the letter itself would be the best evidence.

Mr. Davenport: Is that letter you spoke of Mr. Rowe having read by your husband in your possession? A No, I guess not, Mr. Rowe took it with him.

Commissioner: Are you married? A Not now, my husband is dead.

Q Live on a farm? A Yes, sir.

Q Always lived on a farm? A Been living there since '62.

Q On the same place you are living now? A Yes, sir.

Mr. Smith: I would like to have a copy of this testimony filed in the Jack Davis case.

Commissioner: This testimony will be made part of the cases of Freedman D-749, D-750, D-752, D-837, and at the request of the attorney for the applicant, it will be also filed in the case of Jackson Davis, D-453.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 28th of October, 1901.

Commissioner.

"R"

File with C. F. D- 457, Ellen Bell et al.

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, I. T., February 5,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION, in the matter of the application of Jackson Davis et al, for enrollment as Cherokee Freedmen.

Appearances:
Louis T. Brown, appears for Mellette & Smith, attorneys for applicants;
W.W. Hastings, of attorneys for Cherokee Nation.

WALTER A. WEST, being sworn and examined, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Walter A. West.
Q What is your age, Mr. West? A 50.
Q Post-office is Spavinaw? A Yes sir.
Q You are a Cherokee citizen by blood? A Yes sir.
Q Mr. West, when did you settle on the Old Military Road, asyou stated in your other examination? A I come there in May '66, that is when I first struck the road.
Q You settled there on the old Military Road how far from Grand river? A You might say at two places on the road, one was up at Hudson's, and that same season I moved down near Cabin Creek.
Q That was later in the fall of the same year, the fall of '66 you moved down near Cabin Creek? A Yes sir.
Q How far was that from Grand river? A About 2 miles.
Q Mr. West, do you know a colored man by the name of Jack Davis who has got a number of sons among others Joe and John? A Yes sir, I know Jack Davis.
Q When did you first see him after the war? A I saw him in February '61 first time I ever saw him.
Q Tell the circumstances under which you saw him? A I lived there on the Military road at that time and kept hay to sell to travelers and sold some to the Government the evening of the same day that Jack Davis come there and camped nearly a quarter of a mile from the house right on that old road, and I was at his camp that evening and that's where I first got acquainted with him, in '69, and there was another party with him, man by the name of Jack Bean, his wife was my wife's servant, that is my wife was her young mistress, and they come up there to see me and that's how I come to become acquainted with the whole of them; I got to inquiring who theothers was and went down there and this Jack Bean and his wife was the whole cause of me getting thoroughly acquainted with the outfit, there was four bunches of them altogether.
Q What were they doing? A They were camped there, moving from Kansas, just come there, come down and got there about 2 o'clock that evening.
Q They were moving from Kansas? A Yes sir.
Q Had you ever seen Jack Davis in that neighborhood before that? A No sir, that was the first time ever I got acquainted with him.
Q Had you lived there from '66 up until '69 in that neighborhood A Yes sir.
Q How far did Jack Davis locate from you? A About three miles.
Q On the river? A Yes sir, on the east side of the river, near the mouth of Cabin Creek, on the east side from Cabin Creek.
Q In some other cases in which you were examined you had some record or receipt showing that said date of February '69? A Yes sir, I got the voucher from the Government; I had that in this court this other court, but I didn't bring it down this time.

Q And that is the reason why you fix the date that you saw them? A Yes sir, 19th of February.
Q They were moveing down and on the road and camped at your place? A Yes sir.
Q They said they were moving from Kansas? A Yes sir.
Q That is the first time you ever saw Jack Davis? A First time I ever saw him.
Q You well acquainted around that neighborhood I suppose? A Yes sir.

BY BROWN:

Q You don't know when Jack Davis returned to the Cherokee Nation? A Not any further than that.
Q You know his wife? A I saw his wife, but I wasn't acquainted with her.
Q You know whether the wife he had then is his present wife now? A No, I do not know whether it is his present wife.
Q At the time you claim him who was with him? A There was Jack Bean, Sandy Bean and Tom Mayfield and his family, that was four outfits of them together.
Q Did Jack have his wife along? A Jack Bean?
Q Jack Davis? A He had a woman along, I supposed it to be his wife; I never went into details of which was his wife and which was the others wives; they had some women and children.
Q He didn't tell you his wife was along? A No sir, I saw some women in thecrowd and supposed they belonged to the outfit.
Q You know Will Davis, son of Jack Davis? A Yes sir.
Q Do you know John Davis? A Yes sir.
Q Did you see them that time? A No sir.
Q All you know is the first time you saw him was sometime in the year '69? A Yes sir, that was the first time I got acquainted with him, that was in February.
Q In '69? A Yes sir.

BY COMMISSION: This testimony will be made a part of the record in the case at bar and also in the following doubtful Freedmen cases: 454, 455, 456 and 457.

W.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

W D Green

Subscribed and sworn to before me this February 6th, 1902.

Commissioner.

COMMISSION TO THE FIVE CIVILIZED
FILED
JUL 14 1902

To be filed with F.D-457.

F. D-453.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Jackson Davis for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-453.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation in 1871 as found in a book taken from the Executive Department of the Cherokee Nation entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, the same being No.58, as follows:

"Jack Davis.
Decided against defendant June 8, 1871."

MR. SMITH: The applicant objects to the offer of the above matter in evidence for the reason, first, that the same is incompetent, irrelevant, andimmaterial, and does not tend to prove any issue in this case; second, because it is not shown that the person mentioned in said entry is identical with the applicant herein; third, because there is no showing that any step necessary to the rendition of a valid judgment was ever taken by the Cherokee Nation, not even a showing that the applicant was before the Court; fourth, because the record as offered being all of the record shows upon the fact that it is insufficient to constitute any judgment or decision; fifth, because it is incompetent to prove upon the issue at bar any record or alleged record of the Cherokee Nation in the manner and form herein sought to be used.

MR. HASTINGS: The Cherokee Nation offers this judgment for the purpose of showing that it is a full, fair and free investigation of this case soon after the war when all the witnesses were alive and all the facts could have easily been brought to the attention of the court and were, and a decision at that time rendered by a court of competent jurisdiction.

MR. SMITH: And then the applicant objects for the reason that the only evidence offered herein shows just what is embodied in the record entry and that that fails to show that even the applicant was before the court or any witnesses.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following freedmen cases: John Davis, D-455, William Davis, D-456, Ellen Bell, D6457, and in the case of Jackson Davis, the same being the case at bar, D-453. It appears from the records of the Commission that the above applicants are represented by Mellette & Smith.

MR. SMITH: Counsel for John D. Davis, William Davis and Ellen Bell, objects to the testimony offered in the case of Jack Davis relative to the alleged record of 1871 court, being embodied in the record in either of the cases of John D. Davis, Will Davis or Ellen Bell, because the record offered in the Jack Davis case shows affirmatively that nobody except Jack Davis was a party to said proceedings and does not show that he was identical with the Jack Davis who was the father of the last mentioned applicants.

MR. HASTINGS: The Cherokee Nation contends that it is relevant in this case for the reason that all these applicants claim in and through Jack Davis; that their case stands or falls upon his, and that he made the application to the court in 1871, only five years after the treaty of 1866, when testimony was easily gotten as to the time of his return, and a court of competent jurisdiction there adjudged that he didn't return in time.

MR. SMITH: The counsel for the applicant moves to strike the remarks of counsel as being irrelevant and immaterial.

Arthur G. Groninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Groninger.

Subscribed and sworn to before me this 28th day of May, 1902.

P. G. Reuter,

Notary Public.

I, the undersigned, a stenographer to the Commission to the Five Civilized Tribes, do hereby certify on my official oath that the foregoing is a true and correct copy of the proceedings in the above case.

Lowell F. Maxwell.

Subscribed and sworn to before me this 12th day of July, 1902.

P. G. Reuter

Notary Public.

COMMISSION TO THE FIVE CIVIL
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17200, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Ellen Bell, D 457;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

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1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, DECEMBER 23RD, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Charlotte French, as a Cherokee Freedman.

It appears from the record herein that on December 1, 1904, the applicant, Charlotte French, was notified by register letter and on the 3rd day of December, 1904, the attorneys for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 23, 1904, and introduce testimony touching the applicants right to enroll, at which time this case will be taken up for final hearing. On this 22nd day of December, 1904, the applicant appeared by her attorneys, Blue & Bulger, the Cherokee Nation by its attorneys Fell, Hastings & Davenport.

Aaron Whitmire being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Aaron Whitmire.
Q How old are you? A 69
Q What is your postoffice? A Coody's Bluff, Indian Territory.
Q How far is Coody's Bluff from the Verdegris River?
A Half a mile.
Q How far do you live from Lightening Creek? A I live three miles from Lightening Creek.
Q What direction? A West.
Q Do you live in the Cocweescoowee District? A Yes, sir.
Q How far north of Chelsea do you live? A About four miles.
Q Have you lived in that vicinity ever since you came there after the war? A Yes, sir.
Q Are you living on the same place you originally settled? A Yes right on the same place.
Q How far is Big Creek from where you live? A Well it is about eight miles.
Q Does Big Creek flow into the East Verdegris River? A Yes, sir.
Q And about eight miles from where you live? A No, it haint that far, the water flows in the river about four miles from where I live.
Q What direction is it from where it flows in the Verdegris River?
A Northwest.
Q Does Snow Creek empty in the Verdegris River north of where you live? A Yes, sir.
Q Between where you live and the Kansas line? A Yes, sir.

Q There are at present a great many colored people living on the Verdigris River, Big Creek and Snow Creek? A There are a great many living there.
Q Were you a slave before the war? A Yes, sir.
Q Where did you live? A I lived in Goingsnake.
Q Are you a brother of Louis Whitmire? A Yes, sir.
Q Are you a brother of Mose Whitmire? A Yes, sir.
Q You know them of course before the war? A Yes, sir before the war.
Q Did you know them and were with them during the war? A Yes sir
Q Where did you go during the war? A I went to Fort Scott, Kansas.
Q Were you in the army? A I wasn't exactly in the army, I was working for the government though blacksmithing.
Q Did your other brothers also work in the army? A They drove teams.
Q Did you know old Sam and young Sam Webber before the war?
A I knew the old man before the war.
Q When did you get acquainted with young Sam? A In time of the war.
Q In the state of Kansas? A Yes, sir.
Q Did you know Mike, Sam, Ruben and Dan Sanders? A Yes, sir.
Q Did you know them during the war? A Yes, sir.
Q Where? A Fort Scott, Kansas.
Q Well at the time the war closed where were you and all of these other parties, including your brothers, Sanders and the Webbers when the war closed? A Fort Scott, Kansas.
Q You are a recognized and enrolled Cherokee Freedman, are you not? A Yes, sir.
Q When did you make the first trip to the Cherokee Nation after the close of the war? A I made the first trip in August, 1866.
Q In August, 1866? A Yes, sir.
Q Well now who came along with you in August, 1866? A Well the old man Sanders.
Q What was Sander's name? A Mike Sanders.
Q Was he the father of Ruben and Dan? A Yes, sir.
Q Who else came with you? A Old man Webber, old man Sam Webber, old man Billie Foreman, Peter Meigs, Mose Whitmire, Nelson Whitmire, Louis Whitmire and Dennis Whitmire.
Q Where did you go? A We come to Big Creek.
Q How long did you stay on Big Creek? A We stayed there two or three weeks, I don't just recollect, I don't know how long, some two or three weeks.
Q Did any women or children come with you at all on that first trip. A No. sir.
Q Where did you go down Kansas and enter the Territory, at what point? A We come right to Oswego and out to where Chetopa is now and turned west and went to Big Creek.
Q And then come down Big Creek? A Yes, sir.
Q Was there a single house anywhere in the Cherokee Nation along Big Creek at that time? A There wasn't nary one for a mile on Big Creek.

Q Was there anyone living on Big Creek in the Cherokee Nation at that time? A No, sir.
Q Was anybody living on Snow Creek at that time? A No, sir.
Q Did you see anybody living on the Verdegris river at that time? A Yes there was somebody living along the river, along the Verdegris
Q Who? A Old man Riley.
Q Was he a Cherokee? A He was a Cherokee, and Carter, he was a Cherokee and John Coker, he was a Cherokee.
Q Well were there any colored people on the Verdegris river at that time? A No, not that I seen.
Q You stayed around then in that country some two or three weeks? A Yes, sir.
Q Well what did you do then? A We went back to Fort Scott.
Q That was the first trip that was made by any of the colored people up there, so far as you know, to the Cherokee Nation after the war? A Yes, sir.
Q That was what was said at the time? A I know that was what they said, there may have been a few come before that and went the other way by Granville.
Q Well now when was the second trip made. A That was made in December sometime.
Q Of 1866? A Yes.
Q Now who came with you on the second trip? A Ranson Daniels, Solomon Foster, Dick Whitmire.
Q Was that old man Dick Whitmire? A Yes sir, and Sam Beck.
Q Were there any Creeks or Choctaws? A Some Creeks and Choctaws.
Q What became of them? A They went on down.
Q Into their own country? A Yes, sir.
Q Well did you go over practically the same country the second trip that you did over the first? A We didn't go over all the same country, we went over some of it, we done a little work.
Q Well at that time were there any colored people living in any of that part of the country known as Big Creek and Snow Creek country and the Verdegris River? A No, sir.
Q What work did you do in August, 1866? A Put up some houses.
Q Just put up the logs? A Yes, sir.
Q What did you cover them with? A We covered two or three of them, two I believe.
Q Covered you think about two of them? A Yes, sir.
Q But the rest were just the bodies of the houses? A Yes, sir.
Q You didn't put in any fields at that time? A No, sir.
Q Well when you came back in December you come to these same places where you had started your claims before? A Yes, sir.
Q Well how long did you stay there in December, '66? A I stayed there about four days.
Q Where did you go then? A I come to Fort Gibson from there.
Q Where did you go from Fort Gibson? A Goingsnake.
Q What became of those who were with you? A They went back to Fort Scott, Kansas.
Q After going to Goingsnake did you return to Kansas or Fort Gibson? A Yes, sir.
Q About what time of the year did you go back to Kansas? A It was near Christmas time, I don't just recollect what time.
Q Do you remember of the circumstances of Dyer Hayford being killed? A Yes, sir.
Q Did you know Hayford? A Y s, sir.

Q Where were you when he was killed? A Fort Gibson or Tahlequah.
Q On this second trip? A Yes, sir.
Q He was killed when you returned? A Yes, sir.
Q Did you know Eli Mackey, a colored fellow, who killed him?
A Yes, sir.
Q Now did any women or children go with you to the Cherokee Nation on this second trip? A No, sir, none at all.
Q Well when did you return to the Cherokee Nation finally the third time? A It must have been in March sometime.
Q The following March of '67? A Yes, sir.
Q Well who came with you that time? A Well Sanders, old man Sanders, Mike Sanders, Peter Meigs, Billie Foreman, Tuck Sanders Ruben Sanders.
Q Well did Louis Whitmire come with you that time? A No, he didn't go that time.
Q Where was he? A Fort Scott.
Q Did Dennis come that time? A No, sir.
Q Did this preacher, Joe Ross, come that time? A No, sir.
Q Well did Sam Webber come that time? A No, Sam didn't go.
Q Well how long after you come before Sam moved down here?
A A couple of weeks I guess, maybe not quite so long, a short time.
Q Do you remember the circumstances as you were leaving to come here about Eli Mackey going to jail for the murder of Dyer Hayworth and there being considerable excitment when you passed through
A Yes, sir.
Q Were the Sanders boys along on that trip? A Yes, sir.
Q And you say now that Sam Webber didn't bring his family when you one but a couple of weeks after? A Yes, sir.
Q Well now when you did move your families down to where you located were there any colored people living in that part of the country? A None that I know of.
Q Were there any on the Verdegris River or the Lightening Creek country or Snow Creek or Big Creek country? A None that I ever heard of or seen and I traveled a good deal through the country.
Q Where did you do your trading when you first came from Oswego?
A At Old Parker some.
Q Now in order to go to Oswego you had to go from your place north up from Big Creek and Snow Creek country? A Yes, sir had to go north.
Q There were no fields there in '66? A None at all.
Q Wasn't no corn planted or crops raised that year? A No, sir.
Q Did you plant some crops in '67? A Yes, sir. We had crops in '67.
Q But before that none were put in by the colored people at all?
A Not that I know of.
Q Well do you know Ben Alberty? A Yes sir, I knew Ben before the war.
Q Did you know him after the war? A I never seen him but once after the war that I know of.
Q Well did you know before the war that he located on the mouth of Snow Creek? A Yes I knew about the place.
Q Well was he living there when you moved down here in March of '67? A No, sir.
Q Well now how long after that that Ben Alberty moved down in the Cherokee Nation? A It must have been sometime in '68, nearly '69 somewhere along there.
Q And you know he wasn't there when you first moved? A Yes, sir. He wasn't there.
Q You know John Landrum? A Yes, sir. I knew John Landrum.

Q Well now when did Jack move his family down here? A Well I don't recollect just what time Jack did move there.
Q It was after you moved there? A Yes, sir.
Q He wasn't living there in '66? A No, sir.
Q Did you know him in Kansas? A No, I never saw Jack in Kansas at all.
Q Did he marry some relation of yours? A Yes a sister.
Q Were they married in Kansas or in this country? A In Kansas.
Q After the war? A Yes, sir.
Q Were they married when you left there with your family?
A Before that, before I left.
Q But he didn't move down with his wife until after you came down?
A No, sir.
Q How long was it after you moved down the third time until Jack came? A It must have been in '68, somewheres along there when they come to where I lived.
Q Well how far did they settle from you? A About three miles.
Q Then there was no women or children come on any of these trips until you moved down in March '67? A No, sir not until we moved.
Q You are the same man who is known as Aaron Whitmire who testified before the Chambers Court in '78? A Yes, sir.
Q And Louis Whitmire and Moses Whitmire who were admitted to that court were your brothers? A Yes, sir.
Q You at that time had for your witnesses Blue Alberty, William McCracken and others, did you not? A Yes, sir.
Q You stated in your application at that time, and your witnesses stated for you the same facts that you stated here, to-wit; that you returned with your family and moved down here in the spring of '67? A Yes, sir.
Q That is all true, is it not? A Yes, sir, that is the truth.
Q Well now Sam Webber never moved down here until the spring of 1867? A No, sir.
Q And young Sam didn't come with his father in August, 1866?
A Yes he come in '66 with his father.
Q Did he go back? A He went back, yes sir.
Q Did he come back in December, 1866? A I don't recollect now whether young Sam was along in December or not.
Q But you remember distinctly that he moved down here some two or three weeks after you did? A Yes, sir.
Q How far did the Webbers settle from you when they came down in the spring of '67? A It is about six or seven miles from where I live.
Q You knew them well did you? A Yes, sir.
Q Had you seen them in Kansas before the war and before you moved down here? A Yes, sir.
Q About how far did they live from you in Kansas? A About 20 miles I think.
Q Did you live in the town of Fort Scott? A Yes, sir, I worked there in town.
Q Blacksmithing? A Yes, sir.
Q I believe that you stated that you knew Dyer Hayford, what was his business? A He had a grocery store and sold groceries.
Q Did you buy goods from him? A Yes, sir.

Q You stated that you knew Eli Mackey? A Yes, sir.
Q William McCracken says he met you in December, 1866, in December, before the Chambers court, did you meet him that year?
A Yes, sir.
Q Were your brothers with you? A No, they wasn't with me then, I left them on the Verdegris River, I met McCracken down at Fort Gibson.
Q Did you tell him where you were going? A Yes, sir.
Q What did you say? A Told him I was going to Goingsnake.
Q As I understand you you went to Goingsnake by the way of Tahlequah and came back by the way of Fort Gibson and then went to Kansas and got back to Kansas sometimes during Christmas week?
A Yes, sir.
Q Which was after Hayford was killed? A That was after Hayford was killed.

BY THE COMMISSION:
Q During the war Mr. Whitmire, you colored people settled in Fort Scott in the same neighborhood, did you? A Not exactly
Q Well you knew one another quite well? A Yes, we knew one another.
Q Refugees from the territory who had gone out during the war?
A Yes, sir.
Q You were acquainted reasonably well were you not, with all of the parties who came down in that first crowd in August of '66?
A Well yes sir.
Q You knew all the parties in that crowd? A Yes sir.
Did you give all the names of those you can remember in response to Mr. Keating's questions? A All I can remember, yes sir.
Q What was your purpose in coming that first trip, Mr. Whitmire
A Come to make homes.
Q You came down to build some houses? A Yes, sir.
Q How did you go to the territory, wagons or horseback?
A Come in wagons.
Q What kind of teams did you have? A Some had mules, some horses and some oxen.
Q Did you have a family at that time? A Yes, sir.
Q A wife and some children? A Yes, sir.
Q But you left them in Fort Scott? A Yes, sir.
Q It was the understanding, was it, that you people were to come here and start some houses before going back to Kansas for your families? A Yes, sir.
Q Who did your cooking on that trip? A Well the boys done the cooking.
Q Did you bring along any women at that time to do the cooking?
A No, sir.
Q You are positive that there were no women at all in this crowd, are you? A No women that I recollect and no children.
Q Well you would have remembered it, wouldn't you? A Yes, sir, I think so.
Q It was a pretty wild country here at that time? A It was a wild country, yes sir.
Q Well now when you came down in December the second time for what purpose did you come? A We came down to work on our houses.
Q You left your family at Fort Scott on your second trip?
A Yes, sir.
Q Were there any women in that crowd who came down in '66?
A No, sir.

Q There werr none? A None.
Q How did you come the second trip? A In Wagons.
Q At that time, in the fall of '66, did you have some brothers and sisters? A Yes, sir.
Q All of your brothers came with you in the fall of '66?
A Mose, Louis, Dennis and Nelson.
Q Did you have some sisters living at that time? A Yes, sir.
Q What were their names? A The oldest was Mariah, Polly Ann, Mary Ellen.
Q Where did you leave them on your first and second trips to the Cherokee Nation? A I left Mariah at Lawrence and Polly Ann at Fort Scott with her brother Dennis and I don't know where Mary Ellen was.
Q Did your sister, Polly Ann, come with you when you come in the spring of '67? A No, she came with her brother Dennis.
Q How long after you came until Polly Ann came with Dennis.
A About two or three weeks as near as I can recollect.
Q That was the first time, was it Mr. Whitmire, that Polly Ann had been in the Cherokee Nation after the war, so far as you know? A Yes, sir, Polly Ann was a girl then staying with her brother Dennis, she wasn't of age, she was staying with Dennis and living with him.
Q And she didn't come with Dennis in the fall of '66? A No she didn't come with Dennis when he come before.
Q She stayed with his family in the town of Fort Scott, Kansas.
A Yes, sir.
Q Was little Sam Webber married when he come down here with his father in '66? A Yes, sir.
Q Where was his wife? A She was in Kansas.
Q Was there any woman come with little Sam Webber when he come on either of these trips in '66? A No, sir.
Q Well Mr. Whitmire, if any woman claims to have come down here in August or December, 1866 with this detachment of which you were a member, she is mistaken? A Yes, sir, she is mistaken.
Q You are positive that there were no women or children on either of these trips? A Yes, sir.
Q You were a grown man then weren't you? A Yes, sir.
Q And you are an intelligent fellow who would remember, wouldn't you, Mr. Whitmire? A Yes, sir.
Q And you remember that no women or children came with you on either of these trips? A No, sir, not one.
Q You have been acquainted with all these parties since your removal to the Cherokee Nation, have you Mr. Whitmire? A Yes, sir.
Q Known where they have lived and all about them? A Yes, sir.

BY MR. HASTINGS:
Q Wasn't it a fact that the Chambers Court admitted all of you people who made this first and second trip here to the Cherokee Nation that applied to the Chambers Court and introduced this testimony? A Yes, sir.
Q The Cherokee Nation or its authorities never did deny you did they? A No, sir, never did.

BY MR. BULGER:
Q Mr. Whitmire when you started from Fort Scott to the Cherokee Nation what road did you take? A I come right down by Lightening Creek, what is called Lightening Creek, crossed over at Osage.

and come down by Sapulpa and there we turned west and went over to the head of Big Creek.
Q How far down Big Creek did you go and where did you settle?
A We came down I guess eight or ten miles from the head to where we live.
Q Did you go north of where Centralia now is? A No, sir west of where Centralia now is.
Q Well did you settle on Big Creek? A No, on Salt Creek, that is below Big Creek.
Q Which direction did you settle from Nowata? A Southeast, pretty nigh east.
Q Were you on Snow Creek, did you go down Snow Creek during that first trip? A No, sir.
Q Were you on Snow Creek? A I have been on Snow Creek.
Q How long were you there about four weeks? A No, not that long, not then.
Q Do you know whether or not anyone lived on Snow Creek? A No-one that I know of.
Q How do you know if you wasn't there? A I was there, but I didn't see anybody on Snow Creek or anybody living there.
Q When in August, '66? A Yes, sir, after that.
Q Where were you going when you passed Snow Creek? A By old Tahlequah and different places there, Westralia.
Q Did you have to go by Snow Creek to go by Westralia?
A Yes sir, it was an old trading post up there near old Tahlequah, east of Tahlequah on Pumpkin Creek.
Q How far was Westralia from where you was building those houses?
A About twenty miles.
Q Which direction? A East.
Q Which side of Big Creek is Westralia on? A On the west side of Big Creek.
Q Which side of Snow Creek? A On the west side of Snow Creek.
Q Which side of the Verdegris? A On the east side of the Verdegris.
Q Where were you going when you went through Westralia? A Going to old Tahlequah, I had started to different places up there going to Westralia to trade sometimes during the past.
Q Then when you come to the Cherokee Nation that time you started at the head of Big Creek, went south down seven or eight miles where it runs into the Verdegris? A Yes sir, all the way from the head of Big Creek to where it runs into the Verdegris.
Q And settled on the southeast side of Big Creek where it turns around there into the Verdegris? A Yes, sir.
Q And there you built some houses? A Yes, sir, our houses was on Salt Creek about four miles from the mouth of Big Creek where it empties into the Verdegris.
Q When did you build there? A In '67.
Q Then where was it that this crowd that came in August of '66 built their houses? A They built them on Big Creek. It was about six or eight miles above where I live.
Q Did you find your location where you built some houses in '66?
A Yes, sir.
Q But you didn't erect any buildings there until '67? A No, sir.
Q Who built those houses in that first '66 settlement? A Sam Webber built one, old man Webber and old man Mike Sanders and old man Haigs.
Q Did you have to cut trees down and hew these logs out? A We cut the logs down and hewed them out.
Q What did you cover these houses with? A Boards.

Q Where did you got the lumber? A It wasn't lumber boards, it was clab boards.
Q You was there four weeks? A Yes, sir.
Q You came to the Cherokee Nation, built these houses and went back to Fort Scott, when did you go back to Fort Scott? A I don't recollect just exactly what time I did get back on the first trip, I don't recollect.
Q How long did you stay down in the Cherokee Nation when you were down here? A Two weeks that time.
Q The first time? A Yes, sir.
Q During those weeks you built several houses? A Yes, sir.
Q Visited around different settlements on Snow Creek? A There wasn't no settlements that we looked around, we saw the country.
Q What was your idea in looking at the country when you had located and built your houses? A We wanted to see if there was any place better.
Q Moved your houses would you? A The houses were just some logs and we could have got more if we had found a better location.
Q Well then you returned to the Cherokee Nation in December?
A Yes, sir.
Q What way did you come that time, what road? A We come pretty nigh the same road as we come the first time, by Lightening Creek.
Q Come down by Lightening Creek? A Yes, sir.
Q Come down by Big Creek? A Yes, sir, Big Creek.
Q Stayed right close to the river? A Come to where we started our buildings.
Q Did you stay down in the bottom along Big Creek? A Yes, sir, we come along the bottom.
Q Now Mr. Whitmire, in August when you folks come down there, did you stay in the bottoms or get out on the grass? A No, we didn't exactly stay in the bottoms, we would go out on the prairie and look around.
Q Wasn't there great high grass in the bottoms that time and made it difficult to travel through? A Yes, sir, there was grass there.
Q Wasn't the grass a little short on the prairie? A Yes, sir.
Q And for that reason you stayed out of the bottoms on the way down? A No, we went in the bottoms.
Q You didn't travel down in those bottoms all the time did you?
A No, sir.
Q You didn't travel in that big grass did you? A Yes, sir in places.
Q What did you have, wagons? A Wagons and teams.
Q What kind of horses did you have? A Some mules, some horses and some oxen.
Q But now what was your object in traveling in that high grass that big blue stem, instead of going on the prairie? A It was a good place, that was the object, if you was looking for a location you wouldn't go out on the prairie to hunt it.
Q Did you know where you was going when you left Fort Scott?
A Yes, sir.
Q You had been in that country before the war? A No, I never was in it until after the war.
Q Were there any other crowds of Freedmen that come out from Fort Scott after August 1866, before you came in December? A Why, I don't know that.
Q You don't know? A No, sir.

Q Did Bill McCracken and Levi Dougherty and those fellows live in that country in those days? A No, sir.
Q Did you ever see them there? A I never seen them there, Bill McCracken lived on Flat River and Eli lived on Pryor Creek.
Q Where did Blue Alberty live? A On Pryor Creek.
Q When you came down in December, 1866, how long did you remain in the Big Creek country? A Four days.
Q Then where did you go? A Fort Gibson. Up to Goingsnake and then to Tahlequah.
Q And returned the same way? A I returned the same way.
Q What time did you go to Fort Scott? A About Christmas time.
Q How were you traveling those times? A Teams.
Q How long did you stay in the Goingsnake neighborhood? A Two weeks and stopped at Tahlequah three or four days.
Q Did you stop any length of time at Fort Gibson? A Four days, I think, maybe longer, I don't know exactly, four days or a week.
Q You left Fort Scott in December? A Yes sir.
Q Returned sometime during Christmas holiday week, between Christmas and New Years? A Yes, sir.
Q Stayed four days in Indian Territory? A Three or four days in Gibson.
Q Stayed a couple of days in Tahlequah and Goingsnake? A A couple of weeks.
Q Stayed a couple of week in Tahlequah and Goingsnake and got back there about the first day of January? A I don't know whether the first day, I guess it was about the first.

BY MR. HASTINGS:
Q How long after you come the last time before Louis moved down, your brother Louis? A I guess it was two or three weeks, I don't recollect just exactly.
Q But even at the time you moved there were no families at that time living anywhere in the section of the country? A None at all, Old man Riley the closest that I knew and I lived four miles from him.
Q In the Cherokee Nation? A Yes, sir.
Q Well I meant when I asked the question there were no colored people? A No.
Q You were the first people? A First ones that I know of.
Q And you come down some two weeks before the Webbers moved there. A Yes, sir.
Q And the Sanders family came with you? A Yes, sir. Sanders and Meigs.
Q Did they live about Fort Scott? A Yes, sir. Sanders lived there and Meigs lived there.

BY MR. BULGER:
Q Now Mr. Whitmire when you came down in December did you go directly to your places that you had located in August? A Yes.
Q Didn't scout around over the country like you did in August? A No, sir.
Q Did you know of anybody who lived in the Snow Creek country or up in the Big Creek country, except in that immediate neighborhood where you went? A I didn't know for certain.
Q Now when you were on this trip to Goingsnake, how did you go? A Wagon and two mules.

Q You say little Sam Webber came with you in August? A Yes, sir.
Q And he was married before this? A Yes, sir.
Q Did he return with you in December? A Yes, sir.

BY MR. HASTINGS:
Q Well you know that there was nobody living on Snow Creek after you moved down here in the spring of '67 because you had occasion to go back and forth up there? A I was up there from two to three weeks, had to go up to the little trading post at Oswego and get provisions.
Q And you saw nobody living in that section of the country?
A No, sir.
Q Well now the first trip you came I judge you traveled considerably over all of this country hunting a suitable place to locate?
A Yes, sir.
Q Well neither of the Webbers or none of the rest never did mention having been back to that section of the country before that in August? A No, sir.
Q None of them had been there before? A No, sir.
Q And there were no women on the first or second trips and no children? A No, sir.

BY MR. BULGER:
Q When you came down in December did you stay down in the bottoms close to Big Creek? A Yes, sir right in the bottoms.

BY MR. HASTINGS:
Q You had been going hunting a good deal of the time at that time had you? A It was all we had to eat.
Q And that made you go round in those bottoms in search of game?
A Yes, sir.

JAMES M. KEYS being first duly sworn testifies as follows:

BY MR. HASTINGS:
Q What is your name? A James M. Keys.
Q What is your age? A 62.
Q Are you a Cherokee citizen? A Yes, sir.
Q Where were you living when the war closed? A I was down south in the Choctaw Nation.
Q When did you return to the Cherokee Nation? A I came to the Cherokee Nation in June, 1866.
Q When did you first have occasion to visit Tahlequah District or that part of Tahlequah known as the Snow Creek, Big Creek and Verdigris country? A In the winter of 1865. I had a large bunch of cattle near Chouteau, Indian Territory and in the spring of 1866 we had lost some cattle and there had been another herd of cattle near where I had those cattle I had charge of and they drove them in the direction of Kansas and I followed those cattle on the east side of the river to Coodys Bluff and crossed over at Coodys Bluff and stayed all night and in the morning came on the east side and followed up on the Verdigris River to Snow Creek and found the bunch of cattle I was following.

Q How far from the Kansas line? A Well, I couldn't say, it was right near the Kansas line.
Q They were near the Kansas line? A Yes, sir.
Q Then you had occasion to go up to the Verdegris river from where it flows out of Kansas into the Cherokee Nation? A Yes, up as far as Snow Creek.
Q Now did you see any colored people along the Verdegris river and Snow Creek on that trip? A Well after leaving Coodys Bluff and going north on the east side of the river I didn't see a single house or habitation of any kind along the river, and I followed as close to the river as I could.
Q You were in search of this bunch of cattle and you were looking to see if you could find any people? A Yes, it was a wild country then and I would have been glad to have seen any house.
Q Were there any people living on Snow Creek at that time?
A I didn't see a single house.
Q Did you know where Ben Alberty claims to have settled? A Yes I know where the old place is.
Q How far did you go from the old Ben Alberty place on this creek?
A My best judgement is in the neighborhood of one mile.
Q How far did you pass from it when you went up? A I went right up Snow Creek until I could see the cattle on the other side and followed right up the Verdegris river until I came to Snow Creek.
Q And you could see no persons living in that section of the country? A No evidence of any habitation outside of the cattle down where the cattle were.
Q And you could see them at once? A I saw them at once.
Q How large a stream is Snow Creek? A Just a small stream.
Q Just a little branch? A It is a little creek with some timber that runs out of the Verdegris and heads toward Kansas.
Q Runs for a few miles in the Cherokee Nation? A Yes, sir.
Q And you saw no colored people at all on that trip? A No evidence of any habitation or anything.
Q And you never heard of any people who had seen the cattle?
A No, about half way between Coodys Bluff and Snow Creek I met two men and they told me no-one lived there.
Q They had seen this heard of cattle? A Yes they had seen these cattle and had been to a town in Kansas, Osage, I knew them, they were two Cherokees.
Q Did you make any inquiries as to whether there was any settlement or not? A Yes, so I could stay all night.
Q Do you think it would be possible for Ben Alberty to have lived where you know he afterward settled without your seeing his house? If he had lived there when you went up Snow Creek in search of these cattle you would have seen his house? A I don't think so, if there had been any house I would have seen it.
Q Which way did you go back? A I come back the way I went, along the river.
Q Did you take charge of these cattle? A No sir, I left them in the herd, it was a long ways from where I was located and I left the cattle there until I came back.
Q You didn't go across to Salt Creek where Aaron Whitmire lives?
A No, sir, I followed the Verdegris circle.
Q You left the Whitmire settlement to the east of you? A Yes some miles to the east.
Q And that is the reason why you didn't see their settlement?
A Yes, sir.

Q Did you follow Big Creek? A Not any distance.
Q Big Creek flows in the Verdegris river? A Yes, sir, a little north of Coodys Bluff.
Q Instead of following Big Creek you went up the Verdegris river?
A Yes, sir.
Q But when you struck where Snow Creek flows into the Verdegris you went up Snow Creek? A Yes a little, the cattle were between the river and Snow Creek on the north side and I followed the creek until I could see them on the other side and crossed.

BY MR. BUSKER:
Q When was this Mr. Kays that you made this trip in April or May?
A In April or May of 1868.
Q Where did you strike the Verdegris river when you started?
A I went near Claremore and went from there to Coodys Bluff the first day.
Q On the east side of the river? A Yes Coodys Bluff is on the east side of the river. I stayed all night with Looney Riley.
Q Where did you cross the Verdegris River to go to the Snow Creek country? A I crossed it the next morning and went right up the river, there was considerable timber along the Verdegris at that time.
Q About the same as now? A Yes, sir.
Q How far out from Snow Creek did you stay when you went across the country for these cattle? A Not a great ways, I don't think it was more than , from a half a mile on the east side of Snow Creek.
Q Is there any timber on Snow Creek? A Yes, sir, there is a little timber along there.
Q You didn't go on the east side of Snow Creek until after you had crossed that time, you went right across? A We followed up on the east side and crossed over on the west side and went to the herd of cattle.
Q How far up did you go until you crossed? A Well I couldn't say, a mile and a half or such a distance.
Q Do you know whether or not there was anyone living down on the fork where Big Creek flows into the Verdegris? A I saw no evidence of any settlement or habitation and I paid pretty close attention and didn't see anyone living there.
Q But you don't know that there was no one living there? A I couldn't say positively.
Q How far east did you continue to go up Snow Creek? A Well I went right up the Creek, followed right up the river until near the mouth of the creek and then went up the creek about a mile and a half.
Q Never did go any farther? A We crossed there to the bunch of cattle the creek was running northeast at that point.
Q The cattle were on the northeast part of the prairie? A Yes, sir.

Q About how far? A One half mile or somewhere along there.
Q After you found those cattle did you return to Claremore? A I just rode into the bunch of cattle and then I turned and went back down the river.

-----oOo-----

The Cherokee Nation asks that the testimony taken of Aaron Whitwire and James M. Keys on this date be made a part of the record in the case of Frank Love, F. D. 879; Sarah Robinson, F. D. 476; Larkin Powell, F. D. 476; Polly A. Canard, F. D. 814.

-----oOo-----

Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 23rd day of December, 1904, and that the above is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Opal Griggs.

Subscribed and sworn to before me this 31st day of December, 1904.

(Signed) Charles H. Sawyer.
Notary Public.

(SEAL)

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the five civilized tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 18 day of January, 1905.

Charles H. Sawyer
Notary Public.

WSDM

GAL-7.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
CHEROKEE LAND OFFICE.
October 24, 1906.
-o-

Cherokee Freedman Doubtful
457.

In the matter of the enrollment in the Cherokee Nation of Ellen Bell.

Ellen Vann, being first duly sworn by B.P.Rasmus a notary public was examined on behalf of the Commissioner and testified as follows:
-o-

Q What is your name?
A Ellen Vann.
Q What is your age?
A About 45.
Q What is your postoffice address?
A Hayden, Indian Territory.
Q Are you a claimant to enrollment in the Cherokee Nation as a freedman citizen?
A Yes, sir.
Q Under what name were you enrolled?
A Ellen Bell.
Q What is your father's name?
A Jack Davis.
Q What is your mother's name?
A Julia Davis.
Q Are you married?
A Yes, sir.
Q What is your husband's name?
A George Vann; George West Vann.
Q Is he a freedman citizen of the Cherokee Nation?
A Yes, sir.
Q Do you know his father's name?
A William Vann.
Q How old is he?
A Between 53 and 54.
Q When were you married?
A First day of last March, 1906.
Q Do you and your husband live together at the present time?
A Yes, sir.

Witness Excused.

I, George A. Lowell, being first duly sworn, state that as stenographer to the Commissioner to the Five Civilized Tribes, I recorded the testimony in the above entitled proceeding and that same is a true and correct transcript of my stenographic notes thereof.

Geo. A. Lowell

Subscribed and sworn to before me this 30 day of October 24, 1906.

B.P. Rasmus
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Davis, et al., as Cherokee Freedmen, consolidating the applications of:

Jackson Davis, et al.,	Cherokee Freedmen D 453,
Sallie Whitmire, et al.,	Cherokee Freedmen D 454,
John D. Davis,	Cherokee Freedmen D 455,
William Davis,	Cherokee Freedmen D 456,
Ellen Bell, et al.,	Cherokee Freedmen D 457,
Mannie Bean,	Cherokee Freedmen D 740.

--:--

D E C I S I O N.

THE RECORDS OF THIS OFFICE SHOW: That applications for enrollment as Cherokee freedmen were made to the Commission to the Five Civilized Tribes by Jackson Davis for himself and wife, Caroline Davis; by Sallie Whitmire for herself and minor grandchildren, Helen, Sarah, John, Jodie, and Charlie Ward; by John D. Davis for himself and wife, Katie Davis, by intermarriage. As the application for the enrollment of Katie Davis as a Cherokee freedman by intermarriage has heretofore been disposed of, she will not be embraced in this decision; by William Davis for himself; by Ellen Bell for herself and minor children, John O., Nora, Charlie (Jr.), Carrie, Buddie H., Sarah and Julia Blackburn; and by Mannie Bean for himself. The testimony of Elizabeth Jane Morris taken October 14, 1901, at Vinita, Indian Territory, in re application of Delilah Rowe, et al., for enrollment as Cherokee freedman, case No. D 748, andof Aaron Whitmire and James M. Keys taken December 23, 1904, at Muskogee, Indian Territory, in re application of Charlotte French for enrollment as a Cherokee freedman, case No. D 1012, is filed herewith, and made a part of the record in this case.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, Jackson Davis, Caroline Davis, Sallie Whitmire, John D. Davis, William Davis ad Ellen Bell, were the slaves of Cherokee citizens at the commencement of the Rebellion; and that they were taken

from the Cherokee Nation during said Rebellion and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

The evidence further shows that the minor applicants, Helen, Sam, John, Jodie, and Charlie Ward, are the children of one Howard Ward, a non-citizen of the Cherokee Nation, and Julia Ward, nee Bean, deceased, who was the daughter of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, and was a full sister of the applicant, Mannie Bean; and that the minor applicants, John O., Nora, Charlie Jr., Carrie, Buddie L., Sarah and Julia Blackburn (Blagburne), are children of the applicant, Allen Bell, and one Charlie Blackburn (Blagburne) Sr. In the case of Freedman D. 278 (R 216), the said Charlie Blackburn (Blagburne) Sr., was denied enrollment as a Cherokee freedman, by the Tribal Council, and on October 10, 1904, its action was approved by the Department.

The evidence further shows that the applicant, Mannie Bean, is a son of the applicant, Sallie Whitmire, and one Ben Bean, deceased, who born since 1866, has been given ample opportunity, but has failed to appear before the Commission and establish whether or not he possesses any rights to enrollment as a Cherokee freedman through his said father. Consequently his application is brought within the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan, et al., (I.T.D. 1470-04), Samantha Chambers, (I.T.D. 2296-04), Ed Williams, (I.T.D. 4230-04), and Martha Albert et al., (I.T.D. 4722-04).

It is further shown that when the applicant, Mannie Bean, was about ten or eleven years old, his father, Ben Bean, since deceased, taking with him his family, removed from the Cherokee Nation, and for fifteen years continuously lived outside the limits of the Indian Territory, and that during said period said applicant, Mannie Bean, remained a member of and resided with, his father's family.

The evidence further indicates that subsequent to the family's removal from the Cherokee Nation, the said Julia Ward, nee Bean, now deceased, became the wife of one Howard Ward, a non-citizen of the Cherokee Nation, and that for a number of years they continuously resided in the State of Missouri, where their four eldest children were born, the youngest of which was three years old in 1901.

In view of these facts it is considered that even though the said Ben Bean, deceased, Julia Ward, nee Bean, deceased, and the said applicant, Mannie Bean, may have been at one time freedmen citizens of the Cherokee Nation, they have since forfeited their citizenship in said Nation, under Section II, Article I, Cherokee Constitution, which, in part, provides:

> "Whenever any citizen shall remove with his effects out of the limits of this Nation, and becomes a citizen of any other government, all his rights and privileges as a citizen of this Nation shall cease; . . . . . ."

None of the applicants herein nor the said Ben Lean, deceased, or Julia Ward, deceased, can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

[illegible] testimony as to return to the Cherokee Nation after the close of the war, of Jackson Davis and family, and Caroline Davis:

The applicant, Jackson Davis, experiences some difficulty in identifying his place of residence in the Cherokee Nation prior to his locating on Grand River, opposite the mouth of Cabin Creek. He testifies that he "wandered" around on Big Creek and Rock Creek, for somewhile before locating as above indicated. He further testifies that "the ca[illegible] to '66", and introduces Sam Webber to prove this statement. Sam Webber testifies that they came to the Cherokee Nation together "i[illegible] the fall of 1865", and that he left Jackson Davis on Horse Creek, while he (Sa[illegible]), (1) "went from Horse Creek [illegible] to Fort Gibson". (2) "Went from Horse Creek on to Tood's Bluff." (3) "Went from Horse Creek on to Fort Gibson." As Tood's Bluff and Fort Gibson are some eighty miles distant apart, and lie in different directions from Horse Creek, there appears little reason for this witness's confusion, had this trip to the Cherokee Nation, in fact, been made. There is little doubt but that the witness, Sam Webber, returned to the Cherokee Nation within the time specified in the Whitmire decree, and it is equally certain that his first trip to the Cherokee Nation after the Rebellion was made not earlier than August, 1866. He probably made a second trip from Kansas to the Cherokee Nation during the latter part of 1866, and a third some time in the spring of 1867. The testimony of numerous witnesses, interested and disinterested, who have testified before the Commission at different times and places, establishes the above statement as practically correct.

The applicant, Jackson Davis, evidently intended to establish his return as in August or December of 1866, but in this his witness failed him, as he (Sa[illegible] Webber), in connection with his testimony above indicated, further testifies that they did not return together in 1866, and that he did not see Jackson Davis during the year 1866, until "along late in the fall of '66, when they (Jackson Davis and family) came where we were over there" (on Big Creek) On behalf of the Cherokee Nation, Walter A. West testifies that Jackson Davis and family and one Tom Mayfield and family, came to the Cherokee Nation in February, 1869, and that Jackson Davis and family located "on the east side of the (Grand) river, near the mouth of Cabin Creek." This same witness, in the case of Thomas Mayfield, Cherokee Freedmen D 200, on behalf of the Cherokee Nation, testified to practically the same facts, and to the effect that Thomas Mayfield located on the east side of Grand river, opposite the mouth of Cabin Creek, is corroborated by Filmore Hicks, a witness for the said Thomas Mayfield. The Commission found, in Cherokee Freedmen D. 200, that the said Thomas Mayfield did not return to the Cherokee Nation within the time specified in the Whitmire decree, and on October 13, 1904, its finding was approved by the Department. Disinterested witnesses testify that Jackson Davis and family did not leave Kansas prior

to the fall of 1867, and probably later, and this, in connection with the testimony of Walter A. West, together with the finding of the commission on Cherokee Citizenship in 1871, that "Jack Davis" did not return in time, form a combination of circumstances that satisfactorily show that Jackson Davis and family did not comply with the treaty stipulations of 1866, relative to the return of freedmen to the Cherokee Nation.

The applicant, Caroline Davis, testified that after the close of the rebellion, she returned to the Cherokee Nation in company with "Henry Merrill" (merrill), and others. In Cherokee Freedmen D 78[illegible] it was found by the Commission that the said Henry Merrill did not return to the Cherokee Nation, after the close of the rebellion, at the time specified in the Whitmire decree, and on October 18, 1904, its action was approved by the Department. She further testifies that upon her return in the summer of 1866, she stayed at Fort Gibson with Solomon Foster and family. The testimony of Aaron Whitmire taken in re application of Charlotte French, Cherokee Freedman D 1012, and which is made a part of the record in this case, shows that Solomon Foster did not return to the Cherokee Nation before December, 1866. Lewis Whitmire, in behalf of the applicant, Caroline Davis, testifies that after the war he first saw her during the winter of '66, at her mother's home near Tahlequah. The above indicated testimony of Aaron Whitmire shows that his brother, the said Lewis Whitmire, first came to the Cherokee Nation in August, 1866, stayed a few weeks in the immediate vicinity of Big Creek, and then returned to Kansas; that he came to the Big Creek country again in December, 1866, remained a few days in that vicinity, and a second time returned to Kansas, and did not again visit the Cherokee Nation until some time after the month of March, 1867. As the Big Creek country is some seventy-five or eighty miles northwest from Tahlequah, it is quite evident that Lewis Whitmire was not in the vicinity of Tahlequah prior to April or May, 1867.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Jackson Davis, Caroline Davis, Sallie Whitmire, Helen Ward, Sarah Ward, John Ward, Jodie Ward, Charlie Ward, John D. Davis, William Davis, Ellen Bell, John C. Blackburn, Nora Blackburn, Charlie Blackburn Jr., Carrie Blackburn, Buddie H. Blackburn, Sarah Blackburn, Julia Blackburn and Nannie Bean, are not entitled to enrollment as Cherokee Freedmen, and their applications for enrollment as such are accordingly denied.

(Signed) Tams Bixby

Dated at Muskogee, Indian Territory,

this Sep 29 1905

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Ellen Bell et al for enrollment as ~~m~~ Freedmen of the Cherokee Nation, one copy of the original testimony of May 31st, 1901.

McCutcheon & Smith
Attorney for Applicants.

Cherokee F. #D457.

No. D

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this

day of ..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

..... day of ..... SEP 18 19.., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of A.D.1901

Subscribed and sworn to before me

this ..... day of ..... A.D.1901.

..... Notary Public.

NOTICE!

IN THE MATTER OF the application of Ellen Bell for enrollment as a Cherokee citizen:

Case No. D 457

To Ellen Bell or Mellette & Smith her attys

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct 11, 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 14 1901

L B Bell

M. W. Hastings

Attorneys for the Cherokee Nation.

COPY.

Cherokee Freedmen

D-457.

Muskogee, Indian Territory, February 8, 1905.

Nora Blagburn,

Hayden, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of January 30, asking when you will be permitted to make an allotment selection.

In reply you are advised that the Commission has not yet rendered a decision in the matter of the application for your enrollment as a Cherokee freedman.

You are further advised that you will be permitted to appear before the Cherokee Land Office at any time you may desire and make an allotment selection, which will be held for you pending the final determination of your citizenship.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

COPY.

Cherokee
F D--457

Muskogee, Indian Territory, September 30, 1905.

Ellen Bell,

Hayden, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, the application for the enrollment of yourself and children, John O., Nora, Charley, Carrie, Bud H., Sarah, and Julia Blackburn, as Cherokee freedmen. Your attorney, Edgar Smith, Vinita, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commissioner's decision.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED Tams Bixby,
Commissioner.

Incl. GL-60.
GHL

Register

COPY

Cherokee
F D-454 et al.

Muskogee, Indian Territory, September 30, 1905.

Edgar Smith,

Attorney for Sallie Whitmire et al.,

Vinita, IndianTerritory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting, among others, the applications for the enrollment of Sallie Whitmire, Helen, Sarah, John, Jodie, and Charley Ward, John D. Davis, William Davis, Ellen Bell, and John O., Nora, Charley Jr., Carrie, Buddie H., Sarah, and Julia Blackburn, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

Tams Bixby,

Commissioner.

Incl. GL-63.
GHL

REGISTER.

Cherokee
y D-453 et al.

Muskogee, Indian Territory, September 30, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applications for the enrollment as Cherokee freedmen of the applicants embraced in the consolidated applications of Jackson Davis et al., Cherokee Freedmen D-453 et al.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The Department's action will be made known to you as soon as this office is informed of the same.

Respectfully,

SIGNED.
Commissioner.

Incl. GL-64.
GHL

Muskogee, Indian Territory, September 30, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the applications for the enrollment of Jackson and Caroline Davis; Sallie Whitmire, and her grand-children, Helen, Sarah, John, Jodie, and Charlie Ward; John D. Davis; William Davis; Ellen Bell and her children, John O., Nora, Charlie, Carrie, Buddie H., Sarah, and Julia Blackburn; and Mannie Bean, as Cherokee freedmen, including the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting said applications.

Respectfully,

Commissioner.

Incl. 57-65.
SMK.

Through the
Commissioner of Indian Affairs.

(C O P Y)

Land
78759-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. October 13, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the Five Civilized Tribes dated September 30, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Jackson Davis for himself and his wife, Caroline Davis; by Sallie Whitmire for herself and her minor grandchildren, Helen, Sarah, John, Jodie and Charlie Ward; by John D. Davis for himself; by William Davis for himself; by Ellen Bell for herself and her minor children, John O., Nora, Charlie (Jr.), Carrie, Buddie M., Sarah and Julia Blackburn, and by Mannie Beam for himself.

September 29, 1905, the Commissioner decided adversely to all the applicants.

The record shows that the applicants, Jackson Davis, Caroline Davis, Sallie Whitmire, John D. Davis, William Davis and Ellen Bell were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war, and did not return thereto and establish a residence therein on or before February

11, 1867.

The record further shows that the minor applicants, Helen, Sarah, John, Jodie and Charlie Ward are the children of one Howard Ward, a non-citizen of the Cherokee Nation, and Julia Ward, born Bean, deceased, who was the daughter of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, and was a full sister of the applicant, Mannie Bean; and that that the minor applicants, John O., Nora, Charlie, Jr., Carrie, Buddie H., Sarah and Julia Blackburn (Blagburne), are children of the applicant, Ellen Bell, and one Charlie Blackburn (Blagburne) Sr.

On October 10, 1903, the Department approved the action of the Commission denying the enrollment of Charlie Blackburn (Blagburne) as a Cherokee Freedman.

The record further shows that the applicant, Mannie Bean, is a son of the applicant, Sallie Whitmire, and one Ben Bean, deceased, was born since 1866, has been given ample opportunity, but has failed to appear before the Commission and establish whether he possesses any rights to enrollment through his father. It is further shown that when Mannie Bean was about ten or eleven years of age, his father, Ben Bean, since deceased, removed with his family from the Cherokee Nation, and for fifteen years continuously resided outside the limits of the Indian Territory, and that Mannie Bean remained a member of, and resided with, his father's family; that subsequent to

the family's removal, Julia Ward, born Bean, now deceased, became the wife of one Howard Ward, a non-citizen of the Cherokee Nation, and that for a number of years they continuously resided in the State of Missouri, where their four eldest children were born. None of the applicants, or Ben Bean or Julia Ward is identified on the 1880 authenticated Cherokee roll or the Cherokee Census Roll of 1896.

In view of the record the approval of the Commissioner's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.(W)

Muskogee, Indian Territory, August 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a reply of the Cherokee Nation to a motion for a rehearing in the Cherokee freedman case of Jackson Davis, et al, D. 453, et al. Copy of this reply is shown to have been served on Starr and Patten, Vinita, Indian Territory, attorneys for applicants. The records of this office fail to show that a motion for a rehearing in this case has been filed with it.

The decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applicants embraced in the Cherokee freedman enrollment case of Jackson Davis, et al, was, together with the record of proceedings had in the case, forwarded to the Department on September 30, 1905.

Respectfully,

Commissioner.

Encl. M.A.22-2.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, August 22, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a reply of the Cherokee Nation to a motion for a rehearing in the Cherokee freedman case of Jackson Davis, et al, D. 453, et al. Copy of this reply is shown to have been served on Starr and Patten, Vinita, Indian Territory, attorneys for applicants. The records of this office fail to show that a motion for a rehearing in this case has been filed with it.

The decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applicants embraced in the Cherokee freedman enrollment case of Jackson Davis, et al, was, together with the record of proceedings had in the case, forwarded to the Department on September 30, 1905.

Respectfully,

Commissioner.

Encl. M.A.22-2.

Through the Commissioner
of Indian Affairs.

(COPY)

D.C.53178-1906. J.W.jr.

DEPARTMENT OF THE INTERIOR LLB

WASHINGTON.

I.T.D. 8339-1905. November 30, 1906.
13608- "
15332- "
10017-1906.
17176- "

E.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On October 13, 1906 (Land 78759), the Indian Office transmitted your report dated September 30, 1906, forwarding the record in the matter of the applications for enrollment as Cherokee freedmen by Jackson Davis for himself and his wife, Caroline Davis; by Sallie Whitmire for herself and her minor grandchildren Helen, Sarah, John, Jodie, and Charlie Ward; by John D. Davis for himself; by Ellen Bell for herself and her minor children, John O., Nora, Charlie, Jr., Carrie, Buddie N., Sarah, and Julia Blackburn, and by Mannie Bean for herself. Accompanying this record is your decision dated September 28, 1906, adverse to all of the applicants.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

On September 7, 1906, the attorneys for the applicants filed a motion for review in this case. This motion is considered to be without merit and is hereby denied.

On November 4, 1905, the attorneys for the applicants protested against your decision adverse to these applicants.

On November 15, 1905, the Indian Office transmitted a communication dated November 8, 1905, from the attorneys for the nation, filing argument in reply to the protest of the applicants' attorney.

On august 10, 1906, the attorneys for the applicants filed a motion for rehearing in order that further testimony might be introduced in behalf of the applicants.

On September 11, 1906, the Indian Office transmitted your letter dated August 22, 1906, forwarding the reply of the nation to the motion for rehearing.

The Department has considered the motion for rehearing. The supporting affidavits show no new evidence which by diligent search could not have been discovered prior to the closing of the case. The evidence desired to be introduced appears to be merely cumulative, and being negative in character would be ineffective.

Said motion is hereby denied.

An examination of the testimony in the case discloses no error in your decision.

The preponderance of evidence establishes the fact that the principal applicant did not remove to and take up his residence in the Cherokee Nation as contemplated by the treaty of 1866 and the act of Congress approved April 26, 1906 (34

Stat., 137). This, together with the presumption raised by the decision of the Supreme Court of the Cherokee Nation, dated June 8, 1871, adverse to the principal applicant in this case, is decisive.

Your decision is affirmed.

The record, motion and accompanying papers have been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

1 inc.12 inclosures to I.O.

Through the Commissioner
of Indian Affairs.

Cherokee Freedmen
D 457

Muskogee, Indian Territory, December 12, 1906

Ellen Bell,

Hayden, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated September 29, 1905, rejecting, among others, your application for the enrollment of yourself and children, John O., Nora, Charlie, Jr., Carrie, Buddie N., Sarah and Julia Blackburn, as Cherokee freedmen, was affirmed by the Department on November 30, 1906, and a motion for review of said case filed by your attorneys on september 7, 1905, and a motion for rehearing filed August 10, 1906, were denied by the Department on the same date.

Respectfully,

Commissioner

L M B

Cherokee Freedmen
D 453 et al.

Muskogee, Indian Territory, December 12, 1906.

Blue & Bulger,

Attorneys for Jackson Davis et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applications for enrollment of Jackson Davis, et al. as Cherokee freedmen, was affirmed by the Department on November 30, 1906. Your motions for review of said cases filed September 7, 1905, and for rehearing filed August 10, 1906, were denied by the Department on the same date.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Commissioner.

Encl.R-55
L.M.B.

Cherokee Freedmen
D 453 et al.

Muskogee, Indian Territory, December 12, 1906.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the applications for enrollment of Jackson Davis, et al. as Cherokee freedmen, was affirmed by the Department, November 30, 1906. A motion for review in said cases filed by attorneys for applicants on September 7, 1905, and a motion for rehearing filed on August 10, 1906, were denied by the Department on the same date.

For your information a copy of the Departmental decision referred to is herewith enclosed.

Respectfully,

Commissioner.

Encl.B-54
L.M.B.

(C O P Y)

D.C.55755-1906. GAW

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land
110388-1906. WASHINGTON. December 22, 1906.

The Commissioner

to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Sir:

Referring to your communication of the 15th instant, there is inclosed herewith a copy of Office letter of October 13, 1905, reporting upon the Cherokee freedman case of Jackson Davis, et al.

Very respectfully,

(Signed) Frank M. Conser,

Chief Clerk.

WSR:LM

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Jackson Davis, et al., as Cherokee Freedmen, consolidating the applications of:

Jackson Davis et al.,	Cherokee Freedmen D 453,
Sallie Whitmire, et al.,	Cherokee Freedmen D 454,
John L. Davis,	Cherokee Freedmen D 455,
William Davis	Cherokee Freedmen D 456,
Ellen Bell, et al.,	Cherokee Freedmen D 457,
Mannie Bean,	Cherokee Freedmen D 740.

--:--

O R D E R .

It is ordered that a copy of the testimony of Aaron Whitmire, taken at Muskogee, Indian Territory, December 23, 1904, in re application of Charlotte French, Cherokee Freedman No. D-1012, be filed with and made a part of the record in the consolidated case of Jackson Davis, et al., Cherokee Freedmen No. D-453 et al.

COMMISSION TO THE FIVE CIVILIZED TRIBES

_____ Commissioner

Dated at Muskogee, Indian Territory,
this JAN 1 1905

CO
CON TO THE FIVE
FILED
AY 31 '90

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

MAY 31 1902

Date May 31, 1901

Post Office Muskogee, I.T.

District Tenn

1. Name

Age

Owner's name

Citizenship

Year Page No. District

Parents:

Father

Citizenship

Mother

Citizenship

Double

1 2. Name of wife Ellen Britt

Age 40

Owner's name

Citizenship

Year T.C Page 103 No. 9510 District Tenn

Parents:

Father Wm Lewis

Citizenship Tenn

Mother

Citizenship

Names of Children:

3.	Tom T. Blackburn	Year K.C	Page 118	No. 2925	Dist. Tenn	20
4.	Nora "	Year "	Page 118	No. 2926	Dist. "	19
5.	Tennessee "	Year "	Page 118	No. 2927	Dist. "	17
6.	Lucile "	Year "	Page 118	No. 2928	Dist. "	15
7.	Benjamin H. "	Year "	Page 118	No. 2929	Dist. "	13
8.	Sarah "	Year "	Page 118	No. 2930	Dist. "	11
9.	Lydia "	Year "	Page 118	No. 2931	Dist. "	9
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by Mot Stenographer C. H. Rothrock

Mot on K.C roll as Ellen Blackburn

Mot on Wilmot roll C. 157 No. 17 Ellen Blackburn, Tenn Dist

Mot " " " 173 No. 9771 " " " "

Mot " K.C roll as John Blackburn

Mot " " " " Charles "

Mot " " " " Bud "

Represented by Mellette & Smith, Vinita, I.T.

Reg No. 4453

TO THE FIRST
BY I. E. D
31 '90

Regular Term of Circuit Court, Coowescoowee District, Cherokee Nation. June 10th, 1897.

Hon. T. M. Buffington. Presiding.

Ella Blackburn Plaintiff,

vs. Suit for Divorce.

Chas Blackburn Defendant.

This case coming on for a hearing and Plaintiff answering "Ready" and defendant being called three several times and not answering, judgement was rendered by default.

It is therefore Ordered and Adjudged by the Court; That the Bonds of Matrimony, now and heretofore existing between the Plaintiff, Ella Blackburn and the Defendant, Chas Blackburn be, and are hereby dissolved.

Given under my hand and in office this the 10th day of July 1897.

T. M. Buffington

Circuit Judge of the Northern Judicial Circuit, Cherokee Nation.

Attest, Joe M. Lahay Clerk
Coowescoowee Dist, C. N.
By R. Lee Comer Deputy Clk

What God hath joined

TOGETHER,

LET NOT MAN PUT ASUNDER.

This Certifies

That [illegible] of [illegible]

AND

State of [illegible] State of [illegible]

WERE UNITED IN

HOLY MATRIMONY

By me, according to the ordinance of **GOD** and the **LAWS** of the **State** of [illegible] at [illegible] on the [illegible] day of [illegible] in the year of **OUR LORD**, One Thousand Eight Hundred and [illegible]

[illegible]

Published by Crider & Bro., Publishers of the Celebrated Photographic Marriage Certificates, York, Pa.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Ellen Bell,
Hayden, I.T.
Cherokee F-D-457
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

CORRECTION

The preceding document(s) has been refilmed to assure legibility and its image appears immediately hereafter.

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Frances Gentleman

Cher Fr R 901
Trans. from Cher Fr D 458

Cher Fr R 901

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 1st, 1901.

In the matter of the application of John Freeman for the enrollment of himself, wife and seven children as Cherokee Freedmen; said Freedman being sworn and examinadby Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Mr. Smith, of Firm of Mellette & Smith, Attorneys for Applicants:
Mr. L. B. Bell, Cherokee Representative:

Q What is your name? A John Freeman.
Q How old are you? A I am about between 60 and 65 I guess.
Q What is your post office address? A Coody's Bluff.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My wife and nine children.
Q Have you got nine children under 21 years of age?
A Yes, sir.
Q What is your wife's name? A Nettie Freeman.
Q How old is Nettie? A She is about 45, I believe, somewhere along there.
Q Now, give me the names of your children? A That gentleman there has got the ages.
Q John Henry, is that right, 20 years old? A Yes, sir; Elnora.
Q How old is Elnora? A 18; Charlie.
Q How old is Charlie? A 16.
Q The next one? A Jesse Freeman, 14; Walter, about nine; Luther, six; Arizona, two.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is your wife's name on the roll of 1880? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A It is on the Wallace roll and Clifton roll.

BY MR. SMITH:

Q Mr. Freeman were you a slave? A Yes, sir.
Q To whom did you belong? A I belonged to George Freeman until he died and then I belonged to his widow, Jane Freeman.
Q Were they Cherokee persons? A Yes, sir, his wife was.
Q Jane Freeman was a Cherokee Indian? A Yes, sir.
Q Where were you when the war commenced? A I was in Going Snake.
Q Did you go out of the Cherokee Nation during the war?
A Yes, sir.
Q What time did you come back to the Cherokee Nation after the war? A Well, sir, I come back in the fall of '66.
Q What was Nettie's name, your wife, Nettie, before you married her? A Nettie Dannenberg.
Q Did you know her before the war? A Yes, sir.
Q To whom did she belong? A Nathan Dannenberg.
Q Was Dannenberg a Cherokee Indian? A No, sir, he was a white man, he had Indian family.
Q Who was his wife? A Christie McPherson.
Q She was an Indian? A Yes, sir.
Q Where did the Dannenbergs live and where did Nettie live before the war? A They lived in about four mile of Evansville, I don't know whether it was north or south.
Q Was itin the Cherokee Nation? A Yes, sir.
Q Did she go out during the war? A She went out when I did and come back when I did.
Q Where did you come to when you came back to the Cherokee Nation?
A Came on Salt Creek.

Q Who came back with you? A Why I come down here first with these Whitmire boys and I put me up a wall of a house and then I left them to make boards to cover it, and then I went back and got my family.
Q When did you come back? A It was in the fall of '66; because I heard this limited time and I went there and got my folks and come back.
Q Where did you bring your family to when you came back? A I fetched them to Salt Creek.
Q That is in the Cherokee Nation is it? A Yes, sir.
Q Where have you been living ever since that? A I have been living right there ever since.
Q Have you and your wife, Nettie, been living together ever since you were married? A Yes, sir.
Q Is Nettie the mother of these children whose names you have given, John, Henry, Elnora, Charley, Jesse, Walter, Luther and Arizona? A Yes, sir.
Q Have all these children been born since you and Nettie have been married and living together as man and wife? A Yes, sir.
Q Have you voted in the Cherokee elections? A Yes, sir; I have been there and I never did get to vote except the first years after the war; they let me vote and they never did let me vote any more.
Q You have some older children outside of the ones you have named here, have you? A Yes, sir, my first wife did.
Q Have you any children by Nettie outside of these seven that you have named? A Yes, sir.
Q What was their names? A Ocie and Mary.
Q They are over 21 years of age? A Yes, sir.
Q Have you any other children by your first wife? A I have got two.
Q What are their names? A George and Eliza.
Q HasEliza ever been married? A Yes, sir.
Q What is her married name? A Eliza Cannon; but she and her man have parted and I guess it is Eliza Freeman yet.
Q You don't know what name the Court gave her?
A No, sir.
Q Are these children all living with you and your wife, Nettie, those from John Henry down? A Yes, sir.
Q Where does Oce and Mary live? A Mary is living with me now, but she has not got any man, and Oce lives right on Salt Creek, right south of me about a couple of miles.
Q Did these two older children, Oce and Mary, live with you up to the time they got married? A Yes, sir.
Q Has Mary ever been married? A Yes, sir.
Q She is living with you again though now? A Yes, sir.
Q Oce is married and has a family? A Yes, sir, he has got a wife that is all.

BY MR. BELL:

Q When did that Mary marry? A Married, she has been married, I don't know exactly, she has got three children, four or five years old.
Q Where has she lived all the while she was married? A She lived down the other side of Hayden.
Q Didn't John go to Kansas? A No, sir.
Q Did you and your wife both belong to the Dannenbergs?
A No, sir, I belonged to Jane Freeman.
Q Your wife belonged to Dannenberg? A Yes, sir.
Q Where do they live the Dannenbergs? A They lived in about five miles of Evansville, close to the Dutch town.
Q ~~Up there in Sukina~~? A ~~Yes~~, sir.
Q Up there on the line? A Yes, sir.
Q When did you marry your present wife? A My oldest child is about 23 or 24 years old I think; me and her had been living together, I

never got any; we never was married until here since this here law has been passed.
Q Well, you and her married since the war? A Yes, sir.
Q Where at? A We married at home.
Q Well at home? A Up here on Salt Creek.
Q Well where did you and her take up together and gebin to live together? A There on Salt Creek.
Q 24 or 25 years ago? A Yes, sir, maybe longer, maybe 27 years I can't rrecollect.
Q Now your first wife did you bring her down here with you when you moved down? A Yes, sir.
Q She was alive? A Yes, sir; she is dead now.
Q Was she alive when you took up with? A No, sir.
Q She was dead? A Yes, sir.
Q You say she belonged to old man Dannenber g? A Yes, sir.
Q Where was she during the war? A She went to Kansas with me.
Q Was s e married ever before she marriedyou?
A No, sir.
Q This is present wife? A Yes, sir.
Q I ask you is you and this present wife went to Kansas together?
A Yes, sir, the one I have got now was a small girl when she went to Kansas.
Q Did you bring her back? A Yes, sir.
Q Bring this present wife you have got? A Yes, sir.
Q She was in your family was she? A Yes, sir.
Q Well, now, let me understand you, your present wife is named Nettie? A Yes, sir.
Q She was in your family and went to Kansas with you?
A Yes, sir.
Q And you remember her back when you moved back from Kansas?
A Yes, sir.

BY MR. SMITH:

Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 Census roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 123, #3060, John Freeman, Cooweescoowee District.
(Applicant's wife not identified on Kern-Clifton Roll.)
Page 123, #3062, John Freeman, Cooweescoowee District.
Page 123, #3063, Elnora Freeman, Cooweescoowee District.
Page 123, #3064, Charles Freeman, Cooweescoowee District.
Page 123, #3065, Jesse Freeman, Cooweescoowee District.
Page 123, #3066, Walter Freeman, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 113, #2386, Nettie Freeman, Cooweescoowee District.
Page 113, #2381, John Freeman, Cooweescoowee District.
Page 113, #2384, John H. Freeman, Cooweescoowee District.
Page 113, #2385, Eleanor Freeman, Cooweescoowee District.

BY COM'R NEEDLES:

Q Why is your name and your wife's name not on the roll of 1880, do you know? A No, sir, I can' tell, they come to my house and marked something but I can't tell.

BY MR. BELL:

Q Who moved down here with you from Kansas? A I went to fetch.
Q Oh, well, when you brought your family? A No one but a white man I got him to haul a load down here and I don't know what become of him.
Q And you come along you and your fami ly? A Yes, sir.
Q Who did you come with on your first trip?
A Mose Whitmire and Mr. Wright, old man Wright, and I don't know how many.
Q Who do you call old man Wright, old Major? A Yes, sir.
Q You didn't come along with Sam Webber then? A I didn't come that time with him; they all come down pretty much in a bunch, and I didn't know who all was in the crowd, Sam Webber didn't.
Q You come along with old Major wright was it? A I think he was in the crowd.
Q Q Try to go by what you know was; you just now said he was in the crowd? A I think he was in the crowd, I know Mose was in the crowd, and Lewis Whitmire and Dennis, because I hauled loads for them when I come down the first time and put up my house.
Q When was that? A It was in '66.
Q What time of the year? A It was in the fall.
Q You come the first time in the fall? A Yes, sir.

LEWIS WHITMIRE being first duly sworn, by Commissioner T. B. Needles, testified as follows:

BY MR. SMITH:

Q State your name? A Lewis Whitmire.
Q Where do you live, Mr. Whitmire? A I live on Lightning Creek.
Q What is your post office? A Hayden.
Q How old are you? A About 62 I guess.
Q How long have you livedin the Cherokee Nation? A Why I have been born, living there ever since I was born.
Q Do you know John Freeman here who is the applicant in this case?
A Yes, sir, I have been acquainted with him for a good while.
Q Did you know him before the war? A Yes, sir; I knowed him before the war.
Q To whom did he belong? A He belonged to Jennie Freeman and George Freeman.
Q Were they citizens of the Cherokee Nation, Cherokees?
A Yes, sir, they were citizens of the Nation.
Q Where was John Freeman when the war broke out?
A He was living with his Mistress when the war broke out.
Q Whereabouts? A Up in Going Snake near the line of Flint; I don't know where the lines is there, but he was living right on the line.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know Nettie Freeman? A Yes, sir.
Q Is she John Freeman's wife? A Yes, sir.
Q How long have ~~you known living~~ they been living together as man and wife? A I don't know exactly when they married.
Q Has it been a short time or good many years? A It has been a good many years according to the family they got.
Q Did you know Nettie before the war? A Yes, sir, I knowed Nettie ever since she was a baby.
Q To whom did she belong? A She belonged to Dannenberg and his family; Fox Dannenberg and Dick Dannnberg, that is the family she belonged to.
Q Were they Cherokees? A Yes, sir.
Q Where was Nettie when the war commenced? A Nettie was living at Dannenberg's until her mother taken her away.

Q Q Did you go out of the Cherokee Nation during the war yourself?
A I went out a little while, but I was driving a team from Gibson to Fort Smith and back again all around through the country.
Q Are you on the 1880 roll? A Yes, sir.
Q Are you a Freedman citizen? A Yes, sir.
Q When did you first see John Freeman in the Cherokee Nation after the war? A Why I seen him on the road up here on Big Creek, moving coming to this place.
Q When was that? A That was in the fall of '66, I can't date the time.
Q It was in the fall of '66? A Yes, sir.
Q When did you first see Nettie? A Nettie was with him at that time.
Q Who else was along? A Nettie's mother and her whole host of them, I could not tell you how many, I didn't count them and it has went out of my mind how many there was.

BY MR. BELL:

Q What become of him after you saw him in '66, didn't settle with you did he? A He settled about seven miles from me, the place where I am living now.
Q Who was with him when you saw him? A His wife and family, and a whole hostof there folks, I could not tell you who all now.
Q Big crowd of them was there? A Yes, sir, big crowd of them scattered all along the road.
Q That was when he moved his family down? A Yes, sir.

MOSE WHITMIRE, being first duly sworn by Commissioner T. B. Needles, testified as follows; BY MR. SMITH:

Q State your name, Mr. Whitmire? A Mose Whitmire.
Q What is your post office? A Hayden.
Q How long have you lived there? A Oh, I have lived there 30 some odd years or over.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you on the 1880 roll? A Yes, sir.
Q You are a Cherokee Freedman? A Yes, sir.
Q Do you know this applicant here, John Freeman? A Yes, sir, I knew him.
Q How long have you known him? A Oh, I have knowed him I guess nearly 40 years.
Q Did you know him before the war? A Yes, sir.
Q Do you know who he belonged to? A Yes, sir.
Q Who? A George Freeman.
Q Who was George Freeman's wife? A Why she was.
Q Or do you remember her name? A I know remember her name, her name was Jennie.
Q Was she a Cherokee Indian? A Yes, sir, she was Cherokee Indian.
Q Where was John Freeman at the time the war broke out?
A He was living right there where he is living.
Q Where was that? A In Going Snake near the line.
Q Did you know John Freeman's wife Nettie Freeman?
A Yes, sir.
Q How long have you known her? A Well, I have known her for a good many years; ever since I have known him almost; not ever since I have known him but ever since she was a little girl.
Q Did you know her before the war? A Yes, sir.
Q Whom did she belong to? A Dannenberge; I used to work there, threshing wheat and she was a little girl and knowed her ever since.
Q Where was she living when the war broke out?
A She was living there near the line.
Q When did you first see John Freeman after the war in the Cherokee Nation? A Why John Freeman come down in the fall of '66; well we come down as much as three times, I guess; come down in August, then in the fall again and in December moved.

Q You say he come down with you? A Yes, sir.
Q Did he bring his family? A. He come down and built a house and went back and got his family.
Q When did he go back and get his family? A In the fall I guess, in the fall or November.
Q Fall of what year? A '66.
Q When did you first see Nettie, John's wife, after the war?
A Down here you mean?
Q Yes. A He brung her with him.
Q Where did you all come to? A Salt Creek.
Q At what point on Salt Creek? A What point?
A Yes, whereabouts on Salt Creek? A Where were are living now.
Q Have you known John Freeman since that time? A Yes, sir, I have known him.
Q Where is he living now? A There on Salt Creek, right where he first lived.
Q Was he and Nettie living together? A Yes, sir.
Q Do you know their children? A Yes, sir.
Q Could you name them all? A Oh, I could not name them exactly I guess, I never paid any attention to children, I know the hildren when I see them.
Q Have they lived together in the Cherokee Nation ever since '66? A Ever since they have been born.
Q How far do they live from you? A It is about six or seven mile.

BY MR. BELL:

Q Well, you say you made three trips down here when did you make the firstone? A Made it in August.
Q When was your second trip? A The second trip was in the summer, in August, the Summer, of '66, again in the fall I mean.
Q What month? A Along in November.
Q When did you make the third trip? A December.
Q Now, which one of these trips did John Freeman come with you?
A He come in both the last trips, December and November.
Q Well come with you in December and November? A Yes, sir, hauled some things down here for me when we come down and built in November.

BY COM'R NEEDLES:

Q You are a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q On the roll of 1880? A Yes, sir; I would like to enroll now.
Q You and Freeman come together? A Yes, sir.
Q Been living here since together? A Yes, sir.

COM'R NEEDLES:--John Freeman applies for the enrollment of himself, his wife, Nettie, and seven children: Upon examination of the records of the roll of 1880 the name of John Freeman and his wife, Nettie, cannot be found. He is duly identified upon the Kern-Clifton roll and Wallace Roll. His wife Nettie is identified upon the Wallace Roll. The names of his children, John Henry, Elnora, Charlie, Jesse and Walter, are identified upon the Kern-Clifto roll. He avers that he has two younger children, Luther and Arizona, whose names do not appear upon the roll, having been born after the roll was compiled. They are all duly identified and make satisfactory proof as to residence. By reason of the fact that the names of John Freeman and his wife, do not appear upon the authenticated roll of 1880 and protest of the Cherokee Nation, said John Freeman and his wife, Nettie, and children, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further

consideration of the Commission. He will be notified of the decision of the Commission when made, and it will be necessary for him to file satisfactory proof as to the birth of his two younger children, Luther and Arizona.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 4th day of June, 1901.

Commissioner.

DEPARTMENT
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901

Post Office Brady's Bluff, I.T.

District Tenn.

1. Name John Freeman Age 65

Owner's name Citizenship

Year R.C. Page 173 No. 3062 District Tenn

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Nellie Freeman Age 45

Owner's name Nathan Ramsuiver Citizenship JUN 1 - 1901

Year Wallace Page 113 No. 2386 District Tenn

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3.	John T. Freeman	Year R.C.	Page 173	No. 3062	Dist. Tenn	20
4.	Edmond	"	Year "	Page 173	No. 3063	Dist. " 18
5.	Charlie	"	Year "	Page 173	No. 3064	Dist. " 16
6.	Jesse	"	Year "	Page 173	No. 3065	Dist. " 14
7.	Walter	"	Year "	Page 173	No. 3066	Dist. " 9
8.	Luther	"	Year	Page	No.	Dist. 6
9.	Arizona	"	Year	Page	No.	Dist. 2
10.			Year	Page	No.	Dist.
11.			Year	Page	No.	Dist.
12.			Year	Page	No.	Dist.

Application made by Self Stenographer J. O. Rosson

Doubtful

No 1 on Wallace roll P. 113 No 2381, Tenn Dist

~~No 2 " " " P. 113 No 2386, Tenn "~~

No 3 " R.C roll as John Freeman

No 5 " " " as Charles "

No 3 " Wallace roll P 113 No 2384 Tenn Dist

No 4 " " " P 113 No 2385 Tenn " Eleanor Freeman

Nos 2-9. Birth certificates required

Represented by Mellette & Smith, Vinita, I.T.

D458

20

IN RE

Application for Enrollment of

INFANT CHILD

Luther Freeman

as a citizen of

Cherokee Nation

Approved JUL [illegible] 190

T. B. Needles

Commissioner.

BIRTH AFFIDAVIT. (Copy) 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Luther Freeman, born on the 9 day of Sept. 1895
(Here insert name of child.)

Name of Father: John Freeman a citizen of the Cherokee Nation.

Name of Mother: Nettie Freeman a citizen of the Cherokee Nation.

Postoffice Boody's Bluff, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Nettie Freeman, on oath state that I am 45 years of age and a citizen by Freedman citizen, of the Cherokee Nation; that I am the lawful wife of John Freeman, who is a ~~citizen, by~~ Freedman citizen, of the Cherokee Nation; that a Male (Male or Female.) child was born to me on 9 day of Sep., 1895; that said child has been named Luther Freeman, and is now living.

Nettie Freeman

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 1 day of June, 1901.

My commission expires March 25, 1905
P.O. Hayden, I.T.

Wm Madden Jr.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Ann Wright, a Midwife, on oath state that I attended on Mrs. Nettie Freeman, wife of John Freeman on the 9 day of Sep., 1895; that there was born to her on said date a Male (Male or Female.) child; that said child is now living and is said to have been named Luther Freeman

her
Ann x Wright
mark

WITNESSES TO MARK:

(Must be Two Witnesses.)
Annie Colins
Walter Wright

Subscribed and sworn to before me this 1 day of June, 1901.

Wm Madden Jr.
Notary Public.

N 1458

20

IN RE

Application for Enrollment of

INFANT CHILD

Arizona Freeman

as a citizen of

Cherokee Nation

Enrolled [illegible] 190

T. B. Needles

Commissioner.

BIRTH AFFIDAVIT. (Copy) 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Arizona Freeman, born on the 12 day of Oct. 1899
(Here insert name of child.)

Name of Father: John Freeman a citizen of the Cherokee Nation.

Name of Mother: Nettie Freeman a citizen of the Cherokee Nation.

Postoffice Coody's Bluff, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Nettie Freeman, on oath state that I am 45 years of age and a ~~citizen by~~ Freedman Citizen, of the Cherokee Nation; that I am the lawful wife of John Freeman, who is a ~~citizen, by~~ Freedman Citizen, of the Cherokee Nation; that a Female (Male or Female.) child was born to me on 12 day of Oct., 1899; that said child has been named Arizona Freeman, and is now living.

Nettie Freeman

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 1 day of June, 1901.

My Commission Expires March 27, 1905
P.O. Heyden, I. T.

Wm Madden Jr.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Ann Wright, a midwife, on oath state that I attended on Mrs. Nettie Freeman, wife of John Freeman on the 12 day of Oct., 1899; that there was born to her on said date a Female (Male or Female.) child; that said child is now living and is said to have been named Arizona Freeman

Ann her x mark Wright

WITNESSES TO MARK:

(Must be Two Witnesses.) Annie Elens
Walter Wright

Subscribed and sworn to before me this 1 day of June, 1901.

Wm Madden Jr.
Notary Public.

F. D-458

20

IN RE

Application for Enrollment of

INFANT CHILD

Ora Freeman

as a citizen of

Cherokee Nation

Examined [illegible] 190

T. B. Needles

Commissioner

AUG [illegible] 1902

BIRTH AFFIDAVIT. (Copy) 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Ora Freemen (Here insert name of child.), born on the 25th day of February, 1902

Name of Father: John Freemen a citizen of the Cherokee Nation.

Name of Mother: Nettie Freemen a citizen of the Cherokee Nation.

Postoffice Goodey's Bluff, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Nettie Freemen, on oath state that I am 45 years of age and a citizen by ~~adoption~~ as a Freedman, of the Cherokee Nation; that I am the lawful wife of John Freemen, who is a citizen, by ~~adoption~~ as a Freedman, of the Cherokee Nation; that a Female (Male or Female.) child was born to me on 25th day of February, 1902; that said child has been named Ora Freemen, and is now living.

Nettie Freemen

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 18th day of April, 1902.

Ben J. Scoville
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Ann Wright, a midwife, on oath state that I attended on Mrs. Nettie Freemen, wife of John Freemen on the 25th day of February, 1902; that there was born to her on said date a female (Male or Female.) child; that said child is now living and is said to have been named Ora Freemen

Ann Wright her X mark

WITNESSES TO MARK:

(Must be Two Witnesses.)
Geo. A. Waters
M. P. Martin

Subscribed and sworn to before me this 18th day of April, 1902.

Ben J. Scoville
Notary Public.

My commission expires 11-4-03

"R"

File with Cherokee Freedman D- 458, John Freeman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the matter of the application of John Freeman for the enrollment of himself, wife and children as Cherokee Freedmen, (D 458)

Appearances:
Mr. Mellette, of Mellette & Smith, Vinita, I. T., attorneys for the applicants;
Mr. J.S.Davenport, of attorneys for the Cherokee Nation.

GEORGE BIBLES, being first duly sworn and being examined testified asfollows:
BY MR. DAVENPORT:
Q What is your name? A John Freeman.
Q Where do you live? A I live up on Verdigris, near Talala.
Q How long have you lived in the Cherokee Nation? A Ever since about the close of the war, '66.
Q You know John Freeman, a coloredman that lived up in that country? A Oh yes I was used to be a little acquainted with him.
Q When did you first get acquainted with him, before or after the war? A It was after the war.
Q Youknow where he now lives? A I know where he ~~was~~ used to live.
Q Do you know where he did live at one time since the war? A Yes sir.
Q When was you first in that country after the war where John Freeman did live when you knew him? A I was there in '67, June '67. Up in that country; that was main place up in there.
Q How far was your main place from where John Freeman afterwards settled? A I suppose about ten miles.
Q You know where John Freeman's place was there? A Yes sir.
Q Did youknow it in '67? A Yes sir.
Q What improvements were there ~~when~~ and who was living there? A No one living there.
Q You were there on the site of the location? A Yes sir, I was all over that country; there were very few settlers in that country.
Q When did you first know of his living in that country, when did he first move in that country? A It was sometime in '70 first time I ever saw him.
Q In '67 when you was up there the land where John Freeman afterwards made a place was there no improvements on it at all in '67? A None that I could see.
Q You could have seen themif they had been there? A I reckon I could; it was right on a high hill.
Q When you first knew him he came in there about '70? A Sometime in '70, I can't tell just when, it has been so long time ago I don't hardly recollect.
BY MR. MELLETTE:
Q You just made a remark there, you said it has been such a long time ago that it is hard to recollect, you mean that do you? A Yes sir.
Q Did you ever goon that spot and look around to see if you could see John Freeman in '67? A I just saw out there that there was no settlements in there hardly.
Q You don't know how close you went to the place where John Freeman now lives? A No I couldn't say as to that.
Q You don't prestend to say you examined every foot of that country to see whether colored people lived there do you? A No sir.
BY COMMISSION: The testimony will be made part of the record in the following Doubtful Freedmen cases: D459,D460,D612 and D614.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 28, 1902.

Commissioner.

Supl.-C.D.458. Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JOHN FREEMAN, ET AL., as ~~mit~~ freedmen of the Cherokee Nation; in troduced on part of the Cherokee Nation:

Appearances:
L. B. Bell, of Counsel for Cherokee Nation;
Mellette & Smith, Counsel for Applicants.

HENRY ARMSTRONG, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. BELL:

Q Give your name, Mr. Armstrong? A Henry Armstrong.
Q Age. A 59.
Q Post office? A Coody's Bluff, Cherokee Nation.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Cherokee, Shawnee or Delaware? A Delaware.
Q How long have you lived at your present? A I came here in the spring, February, '58.
Q How long have you lived at the place you are living at now?
A Ever since.
Q Are you acquainted with one John Freeman, a freedman that lives up there on L_ghtning creek or Salt creek near youK A Yes.
Q How far does he live from your present residence? A first he lives.
Q How far does he live right now? A About two miles.
Q When did your acquaintance with him first begin, when did you see him? A About January, '69.
Q Was he living in that country then? A Yes, sir.
Q Was he living then on the same place he lived to-day?
A No, sir.
Q Where did he locate first there? A He lived east there about a mile.
Q About a mile from his present residence? A Yes, sir.
Q How far is that from your present residence? A About three miles.
Q Did he settle that first place new, or did he buy if from some-one where he first settled? A He made it.
Q It was new? A Yes, sir,
Q When did he first go on to that place? A Well, I suppose sump mer of '68.
Q What circumstance do you fix that statement on? A When I come in there, February, '68; there was nobody lived there then and then I left there July, '68 and went back to Kansas and I returned last part of December and about January I seen somebody living there, but I didn't know who it was and found out afterwards it was John Freeman.
Q Now, how long did he stay there? A I could not tell you that.
Q Was it one or two years? A It was more than that.
Q Did he move away from there? Well, he and man named Secondine traded places.
Q I asked you if he moved away from there? A Not until he traded places.
Q Is he living there yet A No, sir.
Q Where did he go to? A He went west about a mile.
Q Did he settle a new place, or buy or trade for one? A Tade for

one.
Q Who did he trade with? A Filmore Secondine.
Q And he has lived there since? A Yes, sir.
Q Lives there to-day? A Yes, sir.

MR. MELLETTE:

Q Mr. Armstrong, you don't know where John Freeman was in '66, do you? A No, sir.
Q Nor, '67? A No, sir.
Q First you remember of seeing him was in the winter of '68?
A '69.

Q You said that you went back to Kansas in July, 1868?
A Yes, sir.
Q And when you came b ack-? A Last part of December.
Q First part of January, '69, that you saw him? A Yes, sir.
Q But you don't know where he had been before do you?
A No, sir.
Q Was that country settled up a great deal then? A No, sir.
Q How long did you stay there when you came to the country in 1868? A From February 17th to the last part of July.
Q Then you didn't have an opportunity to see everybody in the country? A Wasn't anybody living in that country then; I hunted a great deal then.
Q You don't pretend to say you saw everybody that was in that country? A No, sir.

MR. BELL:

Q Wel , you had been on that particular spot that Freeman was on when you returned to Kansas, before you left, hadn't you?
A Yes, it was good deal high hill.
Q It was at the point of a high hill where he built? A Yes, sir.

MR. MELLETTE:

Q Do you know about some people living up on Salt Creek about three miles from there when you ~~xx~~ came to that country? A No, sir, wasn't anybody living before.
Q Where did Aaron Write live? A He didn't live on Salt Creek.
Q Where did he live? A He lived about a mile from Salt creek.
Q W there was a lot of people up there with him? A No, sir
Q How do you know? A I know there was not.
Q Did you watch everydody that come in there? A No, sir, wasn't but two families.
Q That has been a long time ago? A Beenover 34 years ago.

Commission: This testimony will be filed with and made part of the record in the following Cherokee freedmen cases: D.459, D.460, D.612, and D.614.

---oooOOOooo---

I, J. O. Rosson, ~~xxx~~ do hereby certify upon my official oath as stenographer to the commission to the Five Civilised Tribes thatI correctly recorded the testimony and proceedings had in this case on above date, and that the foregoing is a tr e and complete transcript of my stenographic notes thereof.

J O Rosson

AUG 1 1962

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1900.

In the matter of the application of PERRY ADAIR for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

John Freeman, D 458;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothemberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

16456

To be filed with C.F. D-458.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 11, 1902.

In the matter of the application of John Freeman et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL to D-458.

Applicants represented by Mellette & Smith, Vinita, I.T.
Cherokee Nation represented by James S. Davenport.

The Cherokee Nation, by its representative, makes satisfactory proof of service on Mellette & Smith, the attorneys for the applicant, notifying them that it would, on the 11th day of April, 1902, at the offices of the Commission in the town of Muskogee, Indian Territory, introduce testimony tending to disprove the right of John Freeman et al to enrollment as Cherokee Freedmen. The applicants and their attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

CALVIN COKER, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Calvin Coker.
Q Where do you live, Mr. Coker? A Coody's Bluff.
Q What is your age? A 51 past, nearly 52.
Q How long have you lived in the Cherokee Nation near Coody's Bluff?
A Been my home there since 1857.
Q Was you out of the country any time during the war; if so, about how long? A Why yes sir, I was out, we went to Arkansas a little while, and then we was in the Chickasaw Nation part of the time.
Q Well, when did you return to your home place after the war?
A Why we come back to the Cherokee Nation in 1865, and we went back there the fall of '66.
Q Do you know a colored man up there near Coody's Bluff by the name of John Freeman? A Yes, sir.
Q How long have you known him? A I guess about since '68.
Q How far does he live from you now? A He lives now I expect three and a half miles, maybe a little more, I don't know just how close.
Q How far was he living from you when you first got acquainted?
A I think it was about three and a half miles.
Q About the same distance he is now? A Yes, sir.
Q Had you known John Freeman before the war? A Yes, sir.
Q Where was John Freeman living, if you know, when you returned to your home place there in '66? A I couldn't tell you that.
Q Was he living where he is now located or where he first located or living when you first got acquainted with him? A No, sir.
Q When was the first time that you ever saw him in that locality where he was living? A He was there, he settled there about the spring of '68.
Q You had been living at your home place from '66 up to the time he settled there? A Yes, sir.
Q How he settled about how far from you? A I expect it is three and a half miles, I don't know, it is somewhere near that.
Q Did he make the place or had it been improved first before?
A He settled there.
Q Do you know anything about whether he had his family there when he first came? A Why I couldn't say, I think he did, I don't know.

Q You don't know anything about to whom he belonged before the war of your own knowledge? A No, sir.

COMMISSION: When did you first see him after the war, Mr. Coker? A He moved there in '68, spring of '68, that's the first I ever knew him.

Q You never knew him before? A No, sir.

Q You don't know where he was in 1866? A No, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-459, D-460, D-612, D-614, and in the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 12th day of April, 1902.

Philip F. Rieder
N.P.

F. D-458.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 27, 1902.

In the matter of the application of John Freeman et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-458.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that the testimony filed and made a part of the record by the Cherokee Nation in the case of Freedman Doubtful 818 and the testimony of Aaron Webber and the testimony of the Cherokee Nation in Freedman Doubtful 816, and the testimony of Reuben Sanders, together with the testimony filed by the Cherokee Nation in Freedman Doubtful 391, be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the testimony of Reuben Sanders because the same does not tend to prove any issue in this case and because it was not taken with reference to this case, no opportunity for cross-examination being allowed with reference to this case, and as to that testimony offered the applicant objects because it is incompetent, immaterial and irrelevant, and because no foundation was laid for the introduction of said testimony.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-459, the same being George Freeman et al; D-460, that of Osa Freeman; D-612, that of Eliza Cannon; D-614, that of Mary Thompson et al, and in D-458, being that of John Freeman, the case at bar. It appears that all the applicants in the above named cases are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 7th day of July, 1902.

Seal

J. P. Kurtz
Notary Public.

Supl. C. D. #818. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation present by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 65 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee NationK A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Tell what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedmen by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the CherokeeNation?
A As well as I can remember it was in February, '69; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the ourfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Rose passed while I was talking to themm going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, may I understand it.
Q You had reference to where the Military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you know in Going Snake and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q Who was another with him you know? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. MARTINES, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know though where he lives, I have saw him ever since I have been here. I don't think I ever was at his house.

---oooOOOooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(signed) J. O. Rosson.

Stenographer.

F. D. 818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright (Ex. 7th of June,
vs (Answer filed.
Cherokee Nation.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs (Ex. June 7th. Statement filed
Cherokee Nation. on the 26 of June.
1st July set, 1st Aug.
set for trial.
Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmir on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

CORRECTION

The preceding document(s) has been refilmed to assure legibility and its image appears immediately hereafter.

F. D. 818.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben J. Scoville, [illegible] N. B. Lawson, for applicant.
W. W. Hastings for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902, introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, N. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on citizenship as found on page 57 of a book taken from the records in the Executive Department of the Cherokee Nation entitled, "Decisions of the Chambers com'n on Citizenship," as follows:

"No. 85 Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 97 of the book, the following:

"No. 29. Major Wright
vs
Cherokee Nation.

(Ex. June 7th. Statement filed on the 26 of June.
1st July set, 1st Aug. set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmir on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "citizenship record 1877," as follows:

"Before the Commission sitting at Tahlequah to rey claims to Cherokee citizenship

The undersigned claimant in the [illegible] of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during be war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
June 26, 1878. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire)
vs) Tahlequah,
Cherokee Nation.) July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

YOUR ORIGINAL -
BEST AVAILABLE COPY

As a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August [illegible] last of June, 1866. I left my family in Fort Scott when I [illegible] to get me a claim. I staid about three weeks there, and then returned to Fort Scott. After I returned to Fort Scott [illegible] who started down, the Whitmires were of that number. The claimant was one of them. They came down in December 1866. They returned to Fort Scott before I left there. I left Kansas about the last week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas [illegible] they came down here. There was some of party came with the [illegible] the Whitmire party and my party were [illegible] Webber, Jr., Aaron Webber, Reubin Sanders, [illegible].

The Whitmire proper were Aaron, [illegible] Isaac, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of [illegible] homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too thickly settled and bare of subsistance. As I was coming down the first time we were overtaken by the Neroke: Delegation. Those men were who came here were authorized by others to locate claims for them, one was by Mekey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs. hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on the [illegible] near Rushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left when there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know myself but people told me who could read.

I do not know myself what it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Mack [illegible] Fields.
[illegible]

Aaron Whitmire)
vs) August 1, 1871.
Cherokee Nation.) Bluford Alberty, witness for claimant, called and sworn.

I reside in Coweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coweescoowee District.

POOR ORIGINAL - BEST AVAILABLE COPY

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Virdigris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crouches. I did not go to the camp. They were colored people. I knew most of them. The names were old Sam Webber, Aaron Whitmire and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Lendrum. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and Jim. Webber belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got home. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions was very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I saw them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided home up to the breaking out of the war.

H. F. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Butler. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Lendrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Reigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Man, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Elina Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Reigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Mary Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Moses Whitmire.
mark.

Case 63.

Aaron Whitmire & family)
vs) Claiming citizenship.
Cherokee Nation.)

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.
While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
by Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cooweescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the riber. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Meigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but Ido not recollect anything about hem. They were walking. They stated they were coming from Fort Scott, Mose, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation. They inquired he road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invitedthem to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned befor the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were more who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enough that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs) July 4th 1870.
Cherokee Nation.)

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest: Wm. McCracken.
D. L. Nicholson, Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Blufford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he and was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of Claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave Claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire in the name of the other man, I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards on the neighborhood for he purpose as they saidat the time of selecting their homes. Several claims was than in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding wild Cattle. I travelled a good deal in that neighborhood at what time spoken of.

"Continued on page 283."

Aaron Whitmire et al) July 18" 1878.
vs)
Cherokee Nation.) John Riley,
sworn as witness for Deft. I live in Coosoosoowee Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Virdigris River to live in the month of March 1867. Also came at the same time Pet r Reign, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Landrum. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Goody's Bluff in Decr. '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Bluford Albertson being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Mariah nor Major Wright nor Nelson Whitmire that I knew of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley.
Randolph Riley.

(page 283)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. F. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitmire)
vs) Tahlequah May 16, 1878.
Cherokee Nation.)

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes ther of.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL) (Signed) F. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans.

Subscribed and sworn to before me this 15th day of Aug., 1902.

Bruce C. Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district,

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1865? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.
Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.
Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.
Commissioner: Was it in the sall or summer? A It was along in March when I came back in 1866.
Mr. Hastings: Was it the March after the treaty was made? A Yes,sir
Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes,sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes,sir.
Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes,sir.
Q You came out in wagons the first time? A Yes,sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes,sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted, you don't know what month in 1866 the treaty was adopted? A No,sir, I don't.
Q Have you got any witnesses? A Yes,sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Moeller, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Your name on the 1880 roll? A Yes,sir.
Q Do you know Aaron Webber? A Yes,sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q By blood? A Yes,sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes,sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes,sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes,sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken?
A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wymer.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

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Bruce C. Jones, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

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Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 350.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

(By Hastings)
Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Miama Walker.
Q Was your father and mother here the first of the month? A Yes sir.
Q They testified in this matter at that time did they? A Yes sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound city, Kansas, in the neighborhood where I live.
Q Do you know the applicant here, Joe Ross? A I knew him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living, at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A To day.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaedx in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Ray Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Bruce E. Jones
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A. Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Weber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR.SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commission: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgement? A Yes, sir.
Q That is your best recollection? A (No response.)

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.
BY MR. ALLEN:
Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes? I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1866? A I don't know.
Q Where was he in October, 1866? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q What was in the fall of 1865 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Q Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know, he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather.
Q Was young Sam Webber? A Yes, sir.
Q You mean young Sam Webber, the younger of the two?
A Yes, sir I mean young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber , Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a grown man, I couldn't say as to that.
Q What about the boys, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?
A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.
Q They came in 1866 and located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1865? A I know they were there in '66.
Q You don't know what time in '65 they were there? A They were there before '65.
Q Well I am talking about '65; were they there in the spring of '66? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '65 I think, directly after crops was made; they come down here and they went back up there together in the fall.

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Q [illegible] did they ever come back together? A I don't know whether [illegible] Lawson didn't come back I don't think.
Q [illegible] Jr., did he come down with his father? A Yes sir, [illegible] whether Lawson came back or not; I know Sam and the old [illegible] the family.
Q Do you know that they came back together? A Yes, I am pretty [illegible] they came back, I know I saw them afterwards.
Q [illegible] you remember of Sam Webber Jr. ever bringing any hides into the [illegible]? A No sir, I don't remember; I remember Sam telling me he had his [illegible].
Q [illegible] tell you he had his cabin up? A In the fall of '66.
Q He had been down here in the fall of 1866 and had built a cabin. A Yes sir, he told me he had his cabin built.
Q And now that [illegible] when they took all the people out you [illegible] that time? I don't know, but it runs in my mind [illegible] or darkey; I won't say anything about that.
Q What time? A '67.
Q You say you won't say anything about that? A I don't know whether [illegible].
Q You don't know whether it was or not? A No sir, that is a [illegible] but it runs in my mind [illegible].
Q There was Sam Webber during the winter of 1865 and '66, the [illegible] that winter was with December, 1865 and ends with February 1866? A I think he was there.
Q Well, did you see him there? A Yes, I think he was there pretty much all the time.
Q How do you fix it? A I got no way to fix it; that's my [illegible] he was there.
Q You can't state it positively that he was or was not? A I know most of them were there and I believe he was too.
Q You can't state that positively? A No sir, not unless I got something to fix the date.
Q You won't say that? A No sir.
Q Why can you remember about Sam Webber coming up there in the [illegible] Ross and bringing some beef hides? A No sir, I can't remember; of course that date is a long time ago; how I have got those [illegible] in my head that was in the fall of '66 I was moving from [illegible] to the other, and that was in the fall.
Q You didn't go off of that farm? A No sir, just moved from the [illegible] to the east side.
Q Did you move a boy about 13 years old? A Yes sir.
Q [illegible] there in that to fix the date in your mind it was in 1866 [illegible] more than 1866 you moved? A I know we moved from the things [illegible] moved; the death in the family of a young man that was there; I know it was '66.
Q How about that now; about the deaths in the family? A There was a young man died in the family in '66; 3 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.
Q You don't seem to be positive about any of these dates you gave? A Why I do, when the family moved over, remember that fact.
Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, I guess we moved then.
BY MR. BRECKINRIDGE:
Q Now you never missed them up there in 1866 did you? A No sir.
MR. SMITH: I object to that; it is not competent whether he missed them or not.
Q Did you ever miss them up until the summer of 1867? A No sir, I have no recollection of them leaving there until that.
Q That is your first recollection of them leaving? A Yes, sir.

Mary A. Hicks, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, Maiam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 6[illegible] years old.
Q What is your post-office? A Mantey.
Q Is that in Kansas? A Yes sir.
BY MR. HASTINGS:
Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864."? A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866".?
A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died?
A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.
Q Do you know where his wife was? A His wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.
Q She was living? A Yes sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in she would come and sit up with me.
Q Did you know a sister of Joe's called Chlora? A Yes sir.
Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.
A It has been a long time you know.
Q Well answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -
OBJECTED to by applicant.
A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q Had he recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.
BY MR. SMITH:
Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticize or anything about it; I want to tell the truth as far as I can.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?
Q Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some hides to the community?
A No sir, I didn't charge my mind with anything like that.

Joe Ross (cont'd) 4

Q Well now give me some idea, Mrs. Hicks, about the time old [redacted] Sam Webber started off on this trip to the Cherokee Nation in [redacted] that you testified about? A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way
Q Where did you move from this place that you live? A Where did I move from.
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? I know him and his father and I think Aaron and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, ch that one, Joe Webber, that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You wont be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certian it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then came back.
Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together
Q Are you sure of that? A Yes sir.
Q Where was Aaron Webber, did he come with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wont be positive whether he came with them or not. when they came after their c claims.
Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir. sometime alongin the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts
Q Now what makes you think it was in February of March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q Who did? A These darkey boys, the Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commences December and ends February, December, '66 and February '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were then; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now that I want to know, who was there except this woman, Rhoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir,I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st,1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23,1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN O. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th,1901.

J. C. Starr,

Notary Public.

SEAL.

To be filed with _____.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - - It is further ordered that a set of all the testimony given by sam Webber in Cherokee Freedman doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Greyson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereon Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.
Q Where? A There at Lightening Creek.

Q [illegible] Nation? A Yes, sir.
Q [illegible] a single man at that time? A He was [illegible] knowledge.
Q [illegible] where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A [illegible]
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months of a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming. I have seen him working for people around there.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never saw them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I dis-remember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came there.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript

A R Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

Bruce B Jones
Notary Public.

Intermarriage with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 175, No. 2658, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2512, Eliza Meigs, Cooweescoowee district.

Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No., 40, Elizabeth Daniel.
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 181, No. 2748, Elizabeth Meigs, Cooweescoowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here for the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself?
A Yes sir my husband did.
Q What members of your family came down with you and your husband?
A These children
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By T. M. Hastings, Cherokee Representative:

Q Aunt Liz, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell the farm you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back did we all come here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Rauben Sanders.
Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now,
Q Were you there when they started down? A We all come together I am a telling you.
Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Fort Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q These that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '66.
Q What house? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that come? A Aaron Wright come with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
Q Who? A Lunie Riley was there on Verdigris, but not where we was living.
Q How far from where you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

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Q Any Creeks? A No sir, never saw none
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Henry Harsill.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
Q They didn't admit him then did they? A I dont know sir.
Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is dont you? A Yes sir.
Q What court do you know? A Kerns Clifton court.
Q Any other court that you know of? A I know of the Wallace court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce?
A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. P. Breckinridge, testified as follows on the part of the applicant. (Examined by the Commission)

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's ancestor-in-law identified thereon as follows:
Page 175, No. 2657, Reuben Sanders, Cooweescoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
Q What court? A The Chambers court.
Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

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Q Where was it sitting? A At Tahlequah.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thomason Cochelita was chief.
Q Was that before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
Q Where did they take your name? A I was in Goosenock Bend, at the time.
Q Do you know the applicant Elizabeth Meigs? A Yes sir.
Q Is your wife her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs citizenship was disputed the same time yours was? A [illegible]
Q [illegible] before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q [illegible] before that court? A Not to my knowledge.
Q [illegible] go down to Tahlequah to the court before that time? A Yes sir, I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q [illegible] the war? A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] in that court? A I dont know.
Q [illegible] yourself? A No sir.
Q You were about 16 or 18 years old when you come back? A Yes sir
Q [illegible] I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your [illegible] down here? A No sir.
Q How long had you been here before you married? A I have been married [illegible].
Q How long had you been here before you married the first time? A.
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
Q The first time? A Yes sir.
Q Who came with you? A Several were on horse-back; it is beyoung my knowledge how many there were.
Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
Q Did you come in August? A Yes sir.
Q Who came with you then? A Some of this family, Peter Meigs and his place: the heads of these families.

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Mose and Dennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I come in August.
Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following? A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.
Q Who else? A He had several children.
Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir,;I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

By T. W. McKinney:

Q Dont you remember any one else? A Rachel Webber.
Q Do you think of any one else? A No sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you came to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may ha e.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother names William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66? A Yes sir.
Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
Q You stayed here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first trip? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made the last trip? A Yes sir.
Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for saying this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford. and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmaw.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I don not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~xxxxx~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

M. D. Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green.

Subscribed and sworn to before me this May 23,1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy they called her.
Q Was she living, Betsy, at the time the war broke out?
A Yes sir.
Q Did you ever know her by any other name than Betsy?
A Bettie.
Q There was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
A Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No,sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
By Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes,sir.
By L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November,1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the ~~Five Civilized Tribes,~~
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.
Appearances:
L. T. Brown, agent for applicants;
L. E. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Bruce G. Jones
Notary Public.

Supl.-C.F.D.#775

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the rialroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right- of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.

Q. Where did you live before moving to Tahlequah? A. Lived on Grand river east of Choteau about ten miles.
Q. Do you know Samuel Beck, the applicant in this case, or his family? A. No, sir.
Q. Where were you living along the latter part of the sixties or early part of the seventies? A. On the Grand river.
Q. Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A. It must have been the latter part of '71 or '2.
Q. Had you any connection with it any way that makes you remember it? A. Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q. And that was in what years it built down there? A. The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q. You don't know the applicant, Mr. Markham? A. No, sir, I don't.
Q. You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A. No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Bruce E. Grant
Notary Public.

F. D. 391.

To be filed with F. D. 438.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 17, 1909.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December, 22, 1866? up to and including March of 1867? A Yes, sir. (Here presents files.
MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 22, 1866, found on the second column of the editorial page, headed "Another Murder
MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Bein missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills. where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Hargrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and F. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Herler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body andface of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body could have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

POOR ORIGINAL -
BEST AVAILABLE COPY

Harry Bender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my house asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found, someone came down to Mackey's and returned about fifteen minutes before the shots were fired. Saw the coat when Mackey were over he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not see any flour on his coat. It was a navy revolver which Mackey usually carries. He also had a suit; didn't see that on his house that night. When leaving my house he went to his house and not afterward heard him walk. Went to town whistling. The day was found the sack of flour on west side of the creek; looked as if dragged down the bank. Was found one hundred yards from Mackey's house. I think Mackey have a revolver on Friday and few before Hayford was killed.

E. C. Byers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford. I have known his several years. He left and my wife said he made in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking back, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Collin told me he saw Mackey on the road towards home, and that Mackey heard he call, but wouldn't answer. Didn't see Mack I again until he Jones had arrested him. and brought him up to town. When I saw Mackey at Smith's he had on a soldier's coat; he had a revolver on him then; it was a big navy revolver. Then I saw him after he was arrested. I think he had on a different coat.

Sandy O'Neal, sworn - Saturday night I was at Smith's and heard a shot fired, and soon after heard a man holler; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Lewis, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I knew it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury rendered to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left [illegible] unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March [illegible], 1867:

"A Chapter of Horrors.
Murderer of Hayford Captured and Hung.
Tragical events connected with the affair.

The history of our community for the past week is repleted with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in Company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, forthe purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even afterthey approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the [illegible] Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Honest and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated. The body of Mr. Coe was brought into the city, on of Friday afternoon. Funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to Mount Hope where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Nancy Wann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you living there at the close of the war? A Yes, sir.
Q Were you living there in '66, December? A I have lived there ever since '58.
Q Did you know Dyer Hayford? A Yes, sir.
Q Did you know him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.
Q Who? A Eli Mackey.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty Minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometim in February, 26th I think it was.
Q Of February following, of '07? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS. What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him?
A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done

Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-816, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and irrelevant and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-391, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1908.

(Seal) (Signed) Philip C. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Subscribed and sworn to before me this 23rd day of July, 1902.

P C Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Freeman, et al. as Cherokee Freedmen, consolidating the applications of

John Freeman, et al.,.....	Cherokee	Freedmen	D 458
George Freeman, et al.,.....	"	"	D 459
Osa Freeman,.....	"	"	D 460
Eliza Cannon,.....	"	"	D 612
Mary Thompson, et al.,.....	"	"	D 614

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by John Freeman for himself, his wife, Nettie Freeman, and his minor children, John H., Elnora, Charlie, Jesse, Walter, Luther and Arizona Freeman, and subsequent to the date of his application an affidavit was filed as to the birth of his minor child, Ora Freeman, and the same is made a part of the record herein; by George Freeman for himself, his wife, Carrie Freeman, and his minor child, Annie Freeman; by Osa Freeman for himself; by Eliza Cannon for herself; by Mary Thompson for herself and her minor children, Clarence, Ethel and Bessie Thompson. Evidence taken at various times in the cases of Edward Wright, Aaron Webber, Joe Ross, Jefferson Ross, Elizabeth Meigs and Samuel Beck is filed herewith and made a part of the record herein.

The evidence shows that John Freeman and his wife, Nettie Freeman, are the common ancestors through whom all the other applicants, except George, Carrie and Annie Freeman and Eliza Cannon, claim rights to enrollment as Cherokee Freedmen; that George Freeman, Annie Freeman and Eliza Cannon are descendants of John Freeman and his former wife, Margaret Freeman; and that all the applicants herein except John and Nettie Freeman, were born since the commencement of the rebellion.

The evidence further shows that John Freeman, his former wife, Margaret Freeman, and his present wife, Nettie Freeman, were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation, but returned thereto prior to January 19, 1867.

There is no evidence showing that Carrie Freeman or any of her ancestors were slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the commencement of the rebellion. It further appears that her name is not found upon the 1880 authenticated Cherokee roll.

The evidence further shows that all the applicants herein, except Carrie Freeman, have resided in the Cherokee Nation from 1866, or from their birth where born thereafter, up to and including the

date of their applications herein.

It is, therefore, the opinion of this Commission that the application for the enrollment of Carrie Freeman, as a Cherokee Freedman, should be denied, under the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats.,495); and that John Freeman, Nettie Freeman, John H. Freeman, Elnora Freeman, Charlie Freeman, Jesse Freeman, Walter Freeman, Luther Freeman, Arizona Freeman, Ora Freeman, George Freeman, Annie Freeman, Eliza Cannon, Osa Freeman, Mary Thompson, Clarence Thompson, Ethel Thompson and Bessie Thompson should be enrolled as Cherokee Freedmen, under the provisions of Section twenty-one above mentioned, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

this JUL 1 - 1903

D E P A R T M E N T O F T H E I N T E R I O R

Commission to the Five Civilized Tribes,

Vinita I. T. July 22nd 1903.

In the matter of the application for the enrollment of John Freeman et al, as Cherokee Freedmen, consolidating the applications of:

John Freeman et al--------C. F. D-------458.

George Freeman et al C. F. D ----- 459.

Osa Freeman C. F. D.--------- 460.

Eliza Cannon------- C. F. D.----------612.

Mary Thompson et al--- C. F. D----------614.

Motion to Reopen cases.

Comes now the Cherokee Nation and moves the Commission to set aside its judgment rendered in the above entitled cases, (Consolidated) on July 1st 1903 and that a new trial be granted to the Cherokee Nation.

The Cherokee Nation represents in support of this motion for a new trial that it has newly discovered testimony by which it expects to prove that John Freeman et al did not return to the Cherokee Nation prior to the 19th day of January 1867 but on the contrary remained in the State of Kansas until the latter part of 1868 or early in 1869 when he came to the Cherokee Nation.

The Cherokee Nation expects to prove this fact by Aaron Wright, who has personal knowledge as to the exact time the applicants herein returned to the Cherokee Nation; also by James Martin who resides near Aaron Wright; The Cherokee Nation expects to corroborate the statements of these two home witnesses by other reliable witnesses and also expects to produce some witnesses from the State of Kansas on the point as to the date applicants left Kansas for the Indian Territory .

This motion is not made for the purpose of delay but that justice might be done.

Respectfully,

J. B. Bell

W. H. Harlinger

J. T. Davenport

Attorneys for the Cherokee Nation.

J. C. S.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory, July 27, 1903.

In the matter of the application for the enrollment of John Freeman, et al. as Cherokee Freedmen, consolidating the applications of

John Freeman, et al.,.....	Cherokee	Freedmen	D 458
George Freeman, et al.,.....	"	"	D 459
Osa Freeman,.....	"	"	D 460
Eliza Cannon,.....	"	"	D 612
Mary Thompson, et al.,.....	"	"	D 614

O R D E R.

On July 22, 1903, a motion, in behalf of the Cherokee Nation, was filed with this Commission, to set aside the judgment rendered in said cases by the Commission on July 1, 1903, and to grant a new trial therein, on the ground that the Cherokee Nation has newly discovered testimony by which it expects to prove that the said John Freeman, et al. did not return to the Cherokee Nation prior to January 19, 1867. It is not shown in said motion that said Nation could not, by the exercise of reasonable diligence, have discovered and produced said evidence at one of the several hearings in these cases. It appears that almost a year elapsed between the time of taking the first and the last testimony in said case of John Freeman, et al. and it is considered by the Commission that the parties have had ample opportunity in all these cases to produce all their evidence.

It is, therefore, the opinion of this Commission that said motion should be denied and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

D E P A R T M E N T O F T H E I N T E R I O R,

September 17th 1903.

In the matter of the application, before the Commission to the Five Civilized Tribes, for the enrollment of John Freeman et al, as Cherokee Freedmen, consolidating the applications of

John Freeman, et al,----------	Cherokee	Freed.	D	458.
George Freeman, et al	"	"	D---	459
Osa Freeman	"	"	D	460
Eliza Cannon	"	"	D	612.
Mary Thompson, et al-.....	"	"	D	614.

A P P E A L F R O M O R D E R.

On July 1st 1903 the Commission to the Five Civilized Tribes rendered a decision finding that most of the applicants in the above entitled cases were enitled to enrollment as Cherokee Freedmen and a copy of the decision was transmitted to W. W. Hastings, one of the Attorneys for the Cherokee Nation in the matter of the enrollment of Cherokee Freedmen.

On July 22nd 1903, a motion, in behalf of the Cherokee Nation, was filed with the Commission to the Five Civilized Tribes, to set aside the judgment and to grant a new trial therein, on the ground that the Cherokee nation has newly discovered testimony by which it expected to prove that the Principal applicant John Freeman, did not return to the Cherokee Nation prior to january 19, 1867.

On July 27th 1903 the Commission to the Five Civilized Tribes made an order denying the motion filed in behalf of the Cherokee Nation, a copy of said order was received by the Representatives of the Cherokee nation on September 15th 1903.

The Cherokee nation desires to appeal from the order of the Commission refusing to hear its newly discovered testimony in these cases and also to protest against the enrollment of the applicants as Cherokee Freedmen..

S. T. A. T. E. M. E. N. T.

The Cherokee nation respectfully protests against this order of the Commission, signed by three members of the Commission, and also protests

against the enrollment of these applicants as Cherokee Freedmen and asks in the event the order of the Commission refusing to hear further testimony is sustained by the Department, that the Cherokee Nation be granted time in which to file a full statement of its objections to the enrollment of these applicants.

We do not believe that the Department, when it understands that the Representatives of the Cherokee Nation have some fifteen hundred Doubtful CHerokee Freedmen cases to investigate, in addition to hearing testimony in a number of straight cases, will decide that reasonable dilligence was not exercised in the above cases.

As we understand it, the Commission to the Five Civilized Tribes, should want to get at the truth in these cases, and we have this day been officially advised that within five days from now, to-wit on the 21st day of September 1903 that the Commission is going to open up seventy-eight of these Freedmen Doubtful cases for the purpose of taking additional testimony in them and for that matter it is a matter of record that testimony has been, almost daily, taken in cases after case, before the Commission at its various offices, after the cases have been closed and submitted, in order that the cases might be complete.

It is true that almost a year elapsed between the time of taking the first testimony and the last testimony in this case but if these people arenot entitled the position that the Cherokee Nation takes is that it is the duty of the Commission upon its own motion, when the fact has been brought to the attention of the Commission that there is further and other evidence in the reach of the Commission that the Commission should not hesitate to take it. Why should they? Do they not want to develop the facts? Suppose the Cherokee Nation had no representatives, would the Commission take the ex parte statements of these Cherokee Freedmen and enroll them upon their statements thus made? So far as we know this is the first case where the Commission has flatly refused to admit any other testimony to be introduced in a citizenship case.

The Commission has always argued that it being the judges of both the law and the facts, that it would upon its own motion open up a case and see that it was fully developed on the ode side or the other where

the attorneys for either side had failed to fully develop their cases..

If the applicants have a good case and if they are entitled to be enrolled as Cherokee Freedmen, an honest additional investigation of their case will do them no harm whereas if they are not entitled to be enrolled no technical barrier should be extended by the Commission to protect them against a further investigation of their case and a probable exposure of the fraudulent testimony introduced by them in securing a favorable decision by the Commission in their behalf.

~~Respectfully~~

Wherefore the Cherokee Nation earnestly requests that the Honorable Secretary of the Interior remand these cases with instructions to the Commission to the Five Civilized Tribes to permit the Cherokee Nation to introduce its testimony.

Respectfully,

L. B. Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

66137 Incl. No. 2 in Order 190

IN [illegible] THE INTERIOR.
[illegible] 3 0 1904
[illegible] 47

1.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Freeman et al
for enrollment as citizens of the Cherokee Nation.

No. F. D. 458.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } ss

AFFIDAVIT TO SHOW SERVICE.

This day personally appeared before me the undersigned a Notary Public within and for the Northern District of the Indian Territory, ~~J. C. Starr~~ K. G. Zimmerman who being by me first duly sworn on oath states, that his age is thirty ~~two~~ three years and that his postoffice is Vinita, Indian Territory, and that on the 17th day of September 1903 he deposited in the United States postoffice at Tahlequah I. T. an envelope containing a true copy of the instrument hereto attached and he hereto attaches the receipt of the postmaster at said postoffice showing that he received said package to be duly registered and mailed to John Freeman, whose postoffice is Coodys Bluff I. T. Indian Territory, ~~and attached to this affidavit is the registry return receipt duly signed by the applicant showing that said envelope containing a true copy of the instrument hereto attached was received by the said applicant.~~

K G Zimmerman

Subscribed and sworn to before me this 17th day of Sept 1903.

J C Starr
Notary Public.

Cherokee Freedmen
D: 458, 459, 460,
612 and 614.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of John Freeman, et al., George Freeman, et al., Osa Freeman, et al., Eliza Cannon and Mary Thompson, et al., as Cherokee freedmen.

It appears that on May 7, 1904, the principal applicants, their attorney and the attorney for the Cherokee Nation were each notified by letter that an opportunity would be given them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 15, 1904, and introduce further testimony touching upon the points mentioned in said letter.

APPEARANCES:
Applicants appear by attorney A. S. McRea, and applicant George Freeman appears in person.
Cherokee Nation by its attorney, James S. Davenport:

MARTHA E. LABRUM, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Martha E. Labrum.
Q How old are you? A 63.
Q What is your postoffice address? A Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q You are a citizen of the United States? A Yes, sir:
Q Do you know the applicants in this case, John and George Freeman, et al.? A Yes, I know John Freeman.
Q Do you know his children? A Yes, sir.
Q What were their names? A I think one was named Nettie; they were small; I don't know as I can call the boy's name.
Q Do you know whether or not John Freeman claimed to be a Cherokee freedman, had been a slave of a Cherokee freedman? A Don't know anything about that; he claimed he was coming down here to claim his rights.
Q Did you know his children, George and Osa? A No, I don't know them; he had one or two, two children when he lived there.

By Mr. Davenport:
Q Where did you know John Freeman, where did you first get acquainted with him? A On Grandfather's place; we came to Kansas in 1866.
Q You moved to the State of Kansas in 1866? A Yes, sir.
Q To what point did you move when you came? A About 3 1/2 miles northwest from Fort Scott.
Q Was it known as any special neighborhood, or did you get your mail at Fort Scott? A Yes, sir.
Q When you moved into that neighborhood you got acquainted with a colored man named Freeman? A Yes, sir, he worked for my grandfather
Q What was his name? A Stoffer Carr.
Q What year was it you moved to where your grandfather was living?
A We moved there in '66, but we didn't crop on him that year.

Q What year do you first remember of John Freeman being there?
A He was there when we first came there.
Q How long after you moved there did Freeman remain there? A He stayed there until 1867.
Q About how a man would John Freeman have been at that time? A I don't know, I am sure.
Q He was grown, was he? A Yes, sir.
Q Have a family? A Yes, sir, wife and two children.
Q About what time of the year '67 did he leave? A I couldn't just exactly tell, either in November or December.
Q Was it after the crop season of 1867? A Yes, sir, I think it was mostly.
Q Were you married at that time? A Yes, sir.
Q What was your husband's name? A James H. Labrum.
Q Is he still living? A Yes, sir.
Q As I understand he is sick now and wasn't able to come down?
A Yes, sir.
Q Have you seen John Freeman since he moved from there? A No, sir.
Q Do you remember his wife's name? A John Freeman' wife, I don't know that I can tell her name now.
Q Do you remember any of his children's names? A One little girl was named Nettie.
Q You don't know whether he has the same wife living now as then?
A No, sir, I don't.
Q Do you know whether he had a boy at that time? A I think the last one was a boy; I couldn't tell his name.
Q They had a girl at that time named Nettie? A Yes, sir, if I remember right.
Q You say that he said when he left that he was coming down to the Cherokee Nation to claim his rights? A Yes, sir, and was very anxious to get away.
Q Is there anything, Mrs. Labrum, that causes you to remember about the time he left and come down this way? A He left there just after grandfather's death.
Q And he died when? A In October, 1867.
Q Freeman was living there then? A He was at the funeral, yes, sir, but I can't tell how long he stayed after that.
Q Do you know anything about the house Freeman lived in while there? A Yes, sir, it was a log house that I intended to live in when I came to Kansas, and he was there, and I had to live with grandfather.

By Mr. McRea:
Q How old did you say you were, Mrs. Labrum? A 63.
Q Now state again, please, when and where and under what circumstances did you first get acquainted with and learn to know John Freeman? A I learned to know him on grandfather's place when we firstcome to Kansas in 1866.
Q What time in 1866? A It was in March; he worked for my grandfather, and of course I saw him quite often.
Q Is this the same John Freeman who made application to the Commission to the Five Civilized Tribes for enrollment as a Cherokee freedman citizen on June 1, 1901? A I only say that is the only John Freeman that I know.
Q You don't swear positively that this John Freeman is the identical person? A I couldn't say that, because I haven't seen him.
Q Mrs. Labrum, how often did you see John Freeman during the year 1866, if at all? A Sometimes every day.
Q During the whole year? A I ~~went there~~ won't say every day during the whole year.
Q Did you ever miss him from Fort Scott during the year 1866?
A Not while grandfather was living. After grandfather's death he left.

Q Where did you say he went to? A Coming down here, he said.
Q For what purpose? A To get his claim here.
Q Now I would ask you, Mrs. Labrum, if you have ever given this matter any though pertaining to your knowledge of John Freeman, the applicant here, before now since 1866? A No, sir.
Q You have never thought of him, have you? A No, I don't know as I have.
Q Now, Mrs. Labrum, I would ask you when your attention was first called as to your knowledge about John Freeman, the applicant herein, and by whom was your attention called? A By Mr. Keys.
Q When and where, if you please? A I think it was Saturday, if I am not mistaken.
Q Then Saturday, June 18, 1904, was the first time since October or November, 1867, that you ever though of or had any information pertaining to your knowledge of John Freeman? A Yes, sir, it was quite a surprise to us.
Q That has been quite a good many years, hasn't it? A A very long time.
Q About how old a man was John at that time? A I couldn't say.
Q Well, approximately? A Perhaps 30, I couldn't tell.
Q Did he have a family? A Yes, sir, wife and two children.
Q You are positive that his family only consisted of himself, wife and two children? A I think that was all then, but I can't think what his wife's name was.
Q You say Mr. J. W. Keys here is the gentleman who first called your attention as to what you knew of John Freeman? A Yes, sir.
Q What did he say to you? A He wanted to know if we knew him and when and asked several questions that way. I couldn't tell just exactly when he left.
Q So you kept quite an accurate acount of John's whereabouts during the entire year 1866, did you state '66 or '7? A '66, I mean. We come there in 1866.
Q About March, 1866? A Yes, sir, we stayed there and until 1867.
Q Where was he on the first day of July, 1866? A I couldn't tell that.
Q Where was he on the 10th day of July, 1866? A I couldn't tell that.
Q Where was he on the 19th day of July, 1866? A I couldn't tell that.
Q You don't know, do you? A No, I don't.
Q Where was he on the 30th day of July, 1866? A I couldn't tell that.
Q You don't know do you? A No, sir.
Q You are not prepared to say that he was not in the Cherokee Nation from the 9th to the 31st day of July, 1866, are you? A He was there on the place until after grandfether died, and that was in 1867; I couldn't tell just what he was doing, but he was there, because he worked there on the place.
Q Where was he on the first day of January, 1867? A He must have been there on the place.
Q He must have been on the place? A Yes, sir.
Q You don't know of your own knowledge, do you? A I know that he worked there.
Q You know that he was at work on the place on the first of January, 1867? A He worked for my grandfather all the time until he left, but I can't tell what he was doing every day; some days one thing and some days another.
Q Where was he in November, 1866? A He must have been there on the place.
Q He couldn't have been ~~enrolled~~ anywhere else, could he? A Not that I know of.
Q He wasn't sick, was he? A I never knew of his being sick.

Q Did you see him at any time during the month of November, 1866?
A Yes, sir, I did.
Q Where at? A There on the place.
Q What time in the month? A I couldn't tell you that.
Q Well, did you see him any time during the month of January, 1867?
A Yes, sir, I did.
Q When and where at? A There on the place.
Q On your father's place in the State of Kansas? A On my grandfather's place; my grandfather died in 1867, in October, and he stayed there until after he died, and worked there.
Q Did you know any other persons in and around Fort Scott, Kansas, who went from the Territory to the State of Kansas, and lived in Fort Scott, other than John Freeman? A They say a family lived there by the name of Whitmire, Mose Whitmire.
Q You knew him, did you? A Yes, sir.
Q Did you know when he left Kansas? A He left about a year before John did.
Q Then he left in the year 1866, is that correct? A He must have left then.
Q He testifies to the fact that John Freeman, among others, accompanied him to the Territory in 1866, are you prepared to dispute that statement? A John didn't come with him; they went before John did.
Q You are positive of it? A Yes, sir.
Q Whitmire testifies that he made three trips down to the Cherokee Nation, do you know whether or not that is a fact? A No, sir, couldn't say as to that.
Q Then it is possible that during the trips, on one of the trips, that he made down here, John Freeman could have accompanied him, is that true? A After October, 1867; John was there until after grandfather died, and after that he may have accompanied Mose down here.
Q '66, I am speaking of? A He wasn't here in 1866.
Q You are psotive of it? A Yes, sir, I am.
Q What was his occupation upon your father's farm? A He quarried rock and hauled rock.
Q You say he worked by the day, month or year? A He was working to pay a debt; my grandfather sold him a ~~xxxx~~ yoke of oxen and he worked to pay it.
Q What was the amount of the debt? A Can't say as to that.
Q He began work for your father when? A He was workingthere when we come to Kansas.
Q When did he begin working for your grandfather? A I couldn't tell; he was there when I came.
Q Now Mrs. Labrum, did he work for your father? A No, sir, my grandfather.
Q He was working for your grandfather when you first came to Kansas? A Yes, sir.
Q About March, 1866? A Yes, sir.
Q What was he doing then? A He was hauling rock.
Q How long did he haul rock? A He did that most of the time; once in a while he would haul timber.
Q Was he working for your grandfather by the day, month or year?

Mr. Davenport: Objected to as immaterial.
Commission: Objection will be noted and witness will answer.

Q I ask if he was working for your grandfather by the day, by the month or by the year during the year 1866? A I can' say as to that; how grandfather paid him by the day o r week or how, but he worked there to pay for the cattle. But I can't tell you how much he would give him a day.

Q Did he work for your grandfather continuously? A He worked there until grandfather died.
Q In the year 1867? A Yes, sir, he was owing grandfather then and he stayed a little longer to finish paying for the oxen.
Q He worked for your grandfather from March, 1866, to some time in 1867 to pay for a yoke of oxen? A One of the oxen got killed and grandfather let him have another, and he had to stay to work that out.
Q I understood you to say, Mrs. Labrum, that you were married when you first went to your grandfather's farm? A Yes, sir.
Q Were you ever absent from your grandfather's farm at any time from March, 1866, until January or February, 1867? A Yes, sir, we lived just across the road from grandfather's farm during the first summer.
Q Did you ever take a trip anywhere? A No, sir.
Q How far was this place where you moved to from your grandfather's?
A I guess about 80 rods.

Mr. McRea: Comes now the applicant through his attorney and objects to the introduction of the testimony of the witness, Mrs. Labrum, and also the contemplated testimony of Mr. Coody, for the reason that the applicant was notified that they would be required to appear before the Commission to hear the testimony adduced by Adam Wright and James Martin. The applicant further states and shows that he is surprised at the Cherokee Nation and its representatives offering the testimony of the names of the persons herein mentioned, when the applicant was notified that testimony would be offered by the persons named in their affidavit or motion.

Commission: The Department's letter of April 24, remanding this case for further hearing states, "It is the desire of the Department to give the Nation reasonable opportunity to produce any evidence it may desire in citizenship cases." It is considered that the mere naming of witnesses by whom a fact will be proven would not compel the Nation to offer the testimony of those witnesses alone. The objection, however, will be noted.

JOHN H. COODY, being fist duly sworn, testified as follows:

By the Commission:
Q What is your name? A John H. Coody.
Q How old are you? A 49 years old.
Q What is your postoffice address? A Nowata.
Q You are a Cherokee citizen by blood? A Yes, sir.
Q Do you know the applicants in this case, John, George, Osa, Freeman, et al.? A Yes, sir.

By Mr. Davenport:
Q How long have you known the applicants, Mr. Coody? A I have known John Freeman since about 1869.
Q Did you know in 1869 the name of his wife? A No, sir.
Q I will ask you if his wife, then living, is the same woman as his present wife? A No, sir.
Q Do you know the name of the lady that was his wife in 1901, when the enrollment was being made? A Nettie.
Q Do you know who she was before she married? A Stepdaughter of John Freeman's, I think.
Q Do you know whether she lived in the family during his first wife's lifetime? A Yes, sir, she lived in the family.
Q Do you know the names of any of the other children? A I know them when I see them, but I don't know them by name.

Q You understand that Nettie is the daughter of his first wife by another husband? A Yes, sir.

By Mr. McRea:
Q You had no acquaintance of John Freeman or his ownership prior to 1869? A No, sir, only since that time.

Commission: There being no objection the taking of further testimony in this case will be continued until nine o'clock A. M. on Friday June 17, 1904.

June 17, 1904, the Cherokee Nation not being ready, this case is continued, by agreement, until June 18, 1904.

June 18, 1904, the applicants appearing by attorney A. S. McRea, and the Cherokee Nation appearing by its attorneys, W. W. Hastings and L. B. Bell, the following testimony was introduced.

AARON WHITMIRE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Aaron Whitmire.
Q What is your age? A 68 or '9, don't know just exactly.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman?
A Yes, sir.
Q How long have youx known them? A Ever since before the war.

By Mr. Hastings:
Q Was John Freeman a slave of a Cherokee citizen before the war?
A Yes, sir.
Q How far did you live from them before the war? A About eight miles.
Q Did you know them during the war? A Yes, sir, after we went out from home I knew them during the war.
Q Where did you know them? A At Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Where was John at the close of the war? A There at Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Do you know what he was doing there, for whom he was working upon ~~xxxxxxxx~~ placex he was residing directly after the war? A Yes, sir, on an old gentleman's place by the name of Carr; we called him grandpa Carr.
Q How far from Fort Scott was that? A About five or six miles, as near as I can recollect.
Q What direction? A Northeast.
Q Did you know a family up there by the name of Labrum? A Yes, sir.
Q Were they any kin to these Carrs? A Labrum's wife was old grandpa's daughter.
Q The old man Carr was grandfather of Mrs. Labrum? A Yes, sir.
Q And John was living on this place, was he? A Yes, sir.
Q Which left for the Territory from Kansas first, you or Freeman?
A I did.
Q Did you leave him up there when you left? A Yes, sir.
Q When you come to the Cherokee Nation where did you locate? A On Salt Creek where I live now.
Q And your postoffice is Hayden? A No, Coodys Bluff.
Q How fardo you live from Coodys Bluff? A Three miles.
Q There is where you first located when you come to the Cherokee Nation? A Yes, sir, on Salt Creek.
Q What kin are you to Mose Whitmire? A Halfbrother.
Q What kin are you to Lewis Whitmire? A He is my own brother.

Q What time did you move your family to the Cherokee Nation after the war? A It was along in the Spring of '67, I think it was in February.
Q The last of February? A The first of February.
Q It was in the Spring of '67, was it? A Yes, sir.
Q Where did you move from when you moved down with your family?
A From Fort Scott, near Fort Scott.
Q How far from where John Freeman was living? A About six miles, or seven from him.
Q You say, then, you left him up there when you come? A Yes, sir.
Q Did he have a family at that time? A Yes, sir.
Q Did he have a wife? A Yes, sir.
Q Did he have any children? A He had two as near as I can recollect.
Q What were their names? A Nettie and Al.
Q Was Nettie his own child? A No, sir, stepchild.
Q But he had the two there? A Yes, sir, there with him.
Q Did they go by his name? A Yes, sir, by the name of Freeman.
Q Well, you say when you moved from this place down to the Cherokee Nation where you now live, you left him there? A Yes, sir.
Q You know it was after that before you first saw him down in the Cherokee Nation? A It was in the winter of '67 when I saw him.
Q In the winter of '67? A Yes, sir.
Q Who did he come with the first time when he come? A I couldn't tell you who all the first time.
Q Did he bring his family the first time? A No, sir.
Q Did he bring anything with him at all? A Yes, sir, some plows and one thing and another; tolls one kind and another.
Q How far did he locate from you on Salt Creek? A 1 1/2 miles.
Q You had known him before the war? A Yes, sir.
Q And you had known him after the close of the war, in Fort Scott, Kansas? A Yes, sir.
Q You had known him up to the Spring before that? A Yes, sir.
Q You heard of him going in there did you? A Yes, sir.
Q You say he didn't bring his family that time? A No, sir.
Q When did he bring his family back to the Cherokee Nation? A It must have been the spring of '68 when he brought his family.
Q How long did he stay there the first time in the winter of '67?
A I couldn't just say; not very long.
Q He brought some plows with him? A Yes, sir.
Q You think it was before Christmas in '67? A Yes, sir.
Q The last part of the winter of '67, was it? A Yes, sir, along in the winter of '67.
Q You say he located in about 1 1/2 miles of you? A Yes, sir.
Q Did he make that place? A Yes, sir, he made it.
Q Did he continue to live there? A He traded that off to a Delaware and he moved over there.
Q What was the Delaware's name? A Filmore Secondine.
Q How long did he live there before he traded with Filmore Secondine?
A I couldn't tell just how long it was.
Q Well, how far does he now live from you? A About three miles.
Q He lives now upon this place he got from Secondine? A Yes, sir.
Q But when he first come there he settled within 1 1/2 miles of you?
A Yes, sir, and made a place himself.
Q That's where he first settled? A Yes, sir.
Q You say when Freeman first come down there he only stayed a short time and went back? A Yes, sir, only a short time.
Q Then he brought his family in the Spring of 1868? A Yes, sir.
Q How long would it take to go to Fort Scott and back, about how far?
A About four or five days.
Q One would not have to be gone long to go there and back? A No, sir.
Q Did Sam Webber bring his family when you come? A He did.

Q You come a little in advance? A I come in advance.
Q And they come after you come? A Yes, sir, Sam Webber had his family when he come.
Q That is the same Sam that is alive up there at Nowata? A Yes, sir, there is two Sams.
Q The old man is dead? A Yes, sir.
Q His wife was dead before they moved here, wasn't she? A I guess so.
Q Did young Sam marry in Kansas? A Yes, sir.
Q Did he marry before or after he left up there? A After I left; he went back from down there; it wasn't the woman he lives with now; she is dead.
Q He brought the first one when the rest of the families were brought? A Yes, sir.
Q He brought her here when what was called the Webber detachment came? A Yes, sir.
Q About how long did you come before that Webber detachment come?

Mr. McRea: Objected to for the reason the return of Sam Webber to the Cherokee Nation is no issue in this case and has no connection or bearing upon this case whatever in any respect.

Commission: Objection will be noted and witness will answer the question.

A I don't know.
Q You don't know how long after you come that that so-called Webber detachment come? A No, sir, I don't know.
Q They come after you come? A Yes, sir, but I don't know the time.
Q You and your family was the first family that come there with women and children? A Yes, sir.
Q And these women and children and families come after that? A Yes, sir.
Q And you come with your family in February, 1867? A Yes, sir.

By Mr. McRea:
Q Mr. Whitmire, you are quite positive to the statement of facts that you have testified to now are correct? A Yes, sir.
Q You are sure of that? A Yes, sir.
Q And you are positive that you cannot be mistaken? A I might be mistaken in some things. I don't dispute but what I might be mistaken in some things.
Q Isn't it possible that you are mistaken when you say that John Freeman returned to the Cherokee Nation in the latter part of 1867, when the fact of the matter is he returned between November, 1866, and January, 1867? A I am not mistaken.
Q You are positive of that? A Yes, sir.
Q You represent that you are a brother or half-brother of Moses Whitmire? A Yes, sir.
Q And a whole brother of Lewis Wright, is that correct? A Yes, sir.
Q You know when they returned to the Cherokee Nation? A Yes, sir.
Q Do you know who returned with them? A No, sir.
Q You don't know who returned with them? A I don't know who returned with them, except they that did come with them.
Q Who did return with him? A The brothers Moses, Lewis, Nelson and Denny; I come ahead of them.
Q Do you know how many trips that your brothers, Moses and Lewis, made to the Cherokee Nation before settling here permanently? A No, sir, I don't.
Q Now, your half-brother, Moses Whitmire, testified in this case at Chelsea, Indian Territory, on June 1, 1901, three years ago? A Yes, sir.

Q He is a recognized citizen of the Cherokee Nation, your brothers are? A Yes, sir.
Q The same as yourself? A Yes, sir.
Q Your brother, Mose Whitmire, testified that he made three trips to the Cherokee Nation? A Yes, sir.

Mr. Hastings: The representatives of the Cherokee Nation object to this method of cross-examination, because this witness isn't giving Mose Whitmire's testimony, and the question or line of inquiry propounded by the attorney isn't proper cross-examination of this witness It is proper to ask this witness upon cross-examination about anything developed in his examination in chief, but it is not proper to cross examine this witness upon testimony alleged to have been taken by other witnesses at different times in the trial of this case.

Commission: This is the Cherokee Nation's witness, and your cross-examination should be confined to matters brought out by the Nation's attorney, unless you wish to make him your own witness.

Mr. McRea: The attorney for the applicant desires to call the attention of the Commission to the fact that, in considering the final determination of these freedmen citizenship cases, much latitude has been given for the purpose of ascertaining all the facts, wherein the Commission may be guided to ascertain the true facts and status of the rights of applicants for admission to citizenship in the various nations.

Mr. Hastings: In reply the representatives of the Cherokee Nation desire to state that what the attorney says is in a great measure true, but under no latitude is it permissible to cross-examine one witness upon the testimony introduced by another witness.

Commission: Objection will be noted.

By Mr. McRea:
Q Your brother, Mose Whitmire, stated in his testimony that John Freeman returned to the Cherokee Nation some time in the fall of 1866 and that John come down as many as three times, are you prepared to dispute that statement?

Mr. Hastings: Objected to by the rexpresentatives of the Cherokee Nation, because it isn't proper cross-examination of this witness. This witness is here to testify independently of his own knowledge and upon his own judgment, and not upon the judgment of others, and it is not proper cross-examination to ask him whether other witnesses made a mistake or not.

Commission: Objection will be noted ans witness will answer.

A Yes, sir.
Q you say that statement isn't true? A No, it aint.
Q Now, how do you know that it isn't true? A I have reasons to know; I was right there when he come; Freeman come down twice to my knowing; that is when he moved down and when he come down with Mose and went back and moved some chaps.
Q Then he did come to the Cherokee Nation at one of the times with your brother, Mose, did he? A No, sir, he didn't.
Q How do you account for your statement just now made? A I said he come one time when Mose come; come along with Mose and hauled some things for him and went back, and I don't know---
Q Who did he come with the next time? A Don't know anything about that.
Q Then you are positive that he did come at one of the times that your brother, Mose, come? A Yes, sir.
Q Can you state, Mr. Whitmire, how many times your brother Mose came?
A No, sir.
Q Did he come as many times as twice? A Yes, sir, as many as twice, many-me maybe more.

Q You are satisfied that at one of the times mentioned John returned with him? A Yes, sir.
Q Now, do you know when your brother Mose returned the two times that he returned? A Yes, sir, I do.
Q State when? A I will have to study a while. Mose returned in '66 once or twice, and then he returned in '67, I believe, and different times; I couldn't just study what time.
Q Then you are positive that he returned as many as twice in '66?
A I don't know; I guess he did; backwards and forwards two or three different times.
Q In 1866? A As many as two or three times, I know, in '66.
Q Was it in '66? A Yes, sir.
Q Now, you have already stated that at one of the times mentioned of his return back here in 1866, that John Freeman accompanied him or come back with him?

Mr. Hastings: Objected to because it impeaches a statement not made by the witness. This witness has never stated that John Freeman came with Mose Whitmire in 1866. He says he hauled some things for Whitmire, but never stated that he hauled them in 1866, and the notes don't show it.

By the Commission:
Q Do you know what year it was that John Freeman accompanied your brother, Mose Whitmire, back to the Cherokee Nation? A Yes, sir.
Q What year? A '67.
Q What time of the year? A I don't just recollect just what month it was, but it was in the winter.

By Mr. McRea:
Q When did your brother Mose come? A Him and Mose come together.
Q Did you know John Freeman's wife? A Yes, sir.
Q What was her name? A His wife he had then was named Margaret.
Q Is she alive now? A No, sir, she is dead.
Q Was she the slave of a Cherokee citizen? A Yes, sir.
Q To whom did she belong? A To Dennenberg.
Q Did she go out during the war? A Yes, sir.
Q Where to? A Fort Scott.
Q Did she return? A Yes, sir.
Q When? A When Freeman did.
Q When was that? A In '67.
Q What time in the year '67? A It was in the winter time, I could not just tell the exact time.
Q In the early winter? A Along in the middle winter, I guess.
Q When were you first spoken to about testifying in this case?
A I have been spoken to, I couldn't tell just how long it has been.
Q About how long? A Sometime last week when I was spoken to about testifying in this case.
Q Were you ever spoken to before about your knowledge about the return of John Freeman and family? A Yes, sir, I don't know how many times.
Q When was the first time you were spoken to about it? A At Vinita, I guess.
Q How long ago has that been? A All the time since they commenced enrolling.
Q Well, did you go? A No, sir.
Q Why? A I couldn't; I was sick is the reason I didn't go.
Q You knew these same facts at that time, did you? A Yes, sir, knew them all the time.

By Mr. Hastings:
Q You say you lived up there in Fort Scott, Kansas, when John Freeman lived there? A Yes, sir, in three miles of Fort Scott.

Q And when you left there in February, 1867, you left him up there?
A I come in '66.
Q When you moved your family in '67 you left him? A Yes, sir.
Q He was living on old man Carr's place? A Yes, sir.
Q And he come down here for the first time in the fall of '67 with some things? A Yes, sir.
Q Did John bring his wife that trip? A No, sir.
Q He went back and brought his wife in the Spring of '68? A Yes, sir.
Q Did your brother Mose make several trips to the Cherokee Nation?
A Yes, sir, as many as two or three different trips that I know of.
Q When did he bring his family to the Cherokee Nation? A He bring his family to the Cherokee Nation about the first trip he made; I don't remember the time of his firsttrip.
Q When did he move his family, how long after you moved? A I believe, I moved in the winter, and he come the next Spring.
Q You moved, as you stated, in February, 1867, and he moved in the Spring following? A Yes, sir.
Q Did Lewis come with him? A Yes, sir.
Q Andthat's when they moved their families? A Yes, sir.
Q And it was after this that John Freeman brought a load down there for him? A Yes, sir, it was after he come that he brought a load for him.
Q But John, himself, didn't come down there until 1868? A No, sir.

By Mr. McRea:
Q I understood you to say, Mr. Whitmire, in your examination in chief that you lived six or seven miles from John Freeman, is that correct, in Kansas? A Yes, sir, that is correct.
Q How how often would you see John Freeman during the year 1866?
A I never seen him after I left there until he come here.
Q Did you see him at all in Kansas in 1866? A Yes, sir, I guess I did.
Q How often did yousee him? A I couldn't say just how often.
Q Did you see him as often as once a month? A Yes, sir, I think I did.
Q What time in '66 did you return? A It was about, I can't recollect just what time.
Q What season of the year? A It was before Christmas; I don't recollect just exactly what time it was.
Q Then you left Freeman in Kansas? A Yes, sir, I left him in Kansas.

By the Commission:
Q Did you know any of the members of John Freeman's family in Kansas? A Yes, sir.
Q Did he have any children up there? A Yes, sir some stepchildren, and maybe one of his own.
Q When he returned with his family, as you state, in 1868, who composed the members of that family that he brought here? A He had his wife and three children.
Q Do you remember their names? A Yes, sir.
Q State their names? A Nettie was his oldest, his stepdaughter, and Al was his stepson, and then he had a daughter of his own named Caroline.
Q Did he have a son named George? A Yes, sir.
Q Did he bring that son back here with him? A Yes, sir, I think he was a baby when they come.
Q Do you knowwhether or not any of the members of that family had been in the Cherokee Nation since the war prior to that time, with the exception of this trip that John made with your brother? A I don't know.

Q But they were all living together up there in Kansas when you knew them? A Yes, sir.

By Mr. Hastings:
Q I believe you stated that the Cherokee Nation had made numerous efforts to get you to testify before the Commission, but had been unable to get you because you were sick? A Yes, sir.

(Continued by agreement until July 15, 1904)

July 16, 1904.
APPEARANCES:
Applicant, George Freeman, in person and by attorneys, A. S. McRea and R. W. Blue.
Cherokee Nation by attorney James S. Davenport.

FRANKLIN ROSS, being first duly sworn, testified as follows on behalf of applicants.

By the Commission:
Q What is your name? A Franklin Ross.
Q How old are you? A About 57.
Q What is your postoffice? A Hayden.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman, and their brothers and sisters? A Yes, sir.
Q How long have you known them? A About 38 years.

By Mr. McRea:
Q You are a recognized citizen of the Cherokee Nation? A Yes, sir,
Q When was the first time that you saw John Freeman, the father of George Freeman, in the Cherokee Nation? A In the fall of 1866, along about October.
Q At what place in the Cherokee Nation did you meet him? A On Lightning Creek where I saw him.
Q Had you any acquaintance with him before that meeting? A No, sir not then; he was with a man that I was acquainted with and they made me acquainted with him.
Q How long was it before you saw him again in the Cherokee Nation, after you first saw him in the fall of 1866? A I saw him about the next year.
Q 1867? A Yes, sir.
Q Where was he then? A He was living on his place up there on Salt Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Has he resided continuously in the Cherokee Nation from 1867 up until the ~~person~~ present time? A Yes, sir, I have never known him to be out.
Q Now is he John Freeman, the father of the principal applicant, the same person whom you met in 1866? A Yes, sir.
Q In the Cherokee Nation? A Yes, sir.
Q You are acquainted with his son George and the other members of his family? A Yes, sir.

By Mr. Davenport:
Q Had you known John Freeman before the war? A No, sir.
Q The first time you ever met him was when you met him on Lightning Creek? A Yes, sir.
Q Where were you living then? A On Pryors Creek.
Q How far from Lightning Creek? A About 28 miles, I guess.
Q When you met John Freeman where was he living? A He was down there fixing to build, living in camp.

Q Did he have his family with him? A No, sir, I didn't see any. He was there on Lightning Creek with Mose Whitmire.
Q Who do you refer to when you say they? A Mose.
Q I am not asking you about Mose, I am speaking about----? A They were there on Lightning Creekfixing to build houses.
Q Did they have any women folks there? A Might have had; I didn't see any.
Q You had never seen John Freeman before? A No, sir.
Q And you didn't see him again until when? A The next year following, in the fall.
Q The fall of 1867? A Yes, sir.
Q Did you have any conversation when you wesaw him in the fall of 1867 as to where they were during the war? A They said they come from Fort Scott.
Q What makes you remember that it was 1866 that you saw him up there first with Mose Whitmire? A Because in the spring of 1866 I come home, and in the fall we went up there to hunt us some places, that is how come me to know it was '66.
Q You didn't make any memorandum of the date when you went there? A No, sir.
Q Well, who was living up in that country at that time? A Nobody livin around there; them men was there fixing to build some houses; just a wild country.
Q Did you see anyone else otherethan John Freeman and Mose Whitmire? A I seen Nels Whitmire, Dick Whitmire and a whole lot more.
Q Nelson Murrell? A He lives away above there.
Q What did John Freeman have there in the way of a home or anything when you claim you saw him in 1866? A He hadn't built any.
Q He told you he had been to Fort Scott during the war? A Yes, sir.
Q When was that he told you that? A When I saw him there in the fall.
Q 1866 or 1867? A '66 the first time.
Q Where did he tell you his family was? A I didn't ask him.
Q Did he tell you that they had just moved back from Kansas or not? A He didn't say; he was there building houses; he hadn't moved back, because he was there building.
Q Do you know his family? A Yes, sir.
Q When did his family move to the Cherokee Nation? A I don't know when. They was there in 1867 when I went back the next fall.
Q You are positive of that fact? A Yes, sir.
Q Were you ever to Fort Scott, Kansas, where they lived? A Never was at his house; was at Fort Scott in 1862 and left there in '63.
Q You didn't know John until after the war? A No, sir, not until I seen him on Lightning Creek in '66.
Q You didn't know John Freeman when he lived on old man Labrum's place in Fort Scott, Kansas? A No, sir.
Q I will ask you if you couldn't be mistaken as to the year you first saw him on Lightning Creek? A No, sir.
Q I will ask you if John Freeman, together with his family, didn't live on Labrum's place in Fort Scott, Kansas, until the spring of 1868? A He couldn't have; I saw him up there in '66, and have been seeing him often and on since.
Q Do you state positively that they didn't live on old man Labrum's place near Fort Scott, Kansas, in 1867 and the early part of 1868? A I say positively that they didn't; couldn't have been.
Q How far from where you claim John Freeman was located on Lightning Creek is it to where you were living in 1866? A About 28 miles, as near as I can come at it.
Q How far were you living from the place you claim he located on in 1867? A He lived right in the neighborhood where I seen him; about two miles from there where I first seen him.

Q Who else was living there near him in 1867, when you say you saw his family living there with him? A A good many Inguns and Delawares.
Q What Delawares? A Henry Armstrong for one was living there close; I don't know the others.
Q Where was Cal Coker living at that time? A Down on the river somewheres.
Q How far from Freeman's? A About four or five miles.
Q Where was Clem Rogers living at that time? A I don't knowwhether he had come back or not in 1867. I never seen Clem Rogers until along in '70.
Q Is there anything other than just your memory that you rely upon? That you rely upon that you saw John Freeman there in 1866? A No, sir, how come me to remember it so well, because I come home in the Spring of '66, and that fall I went up there to hunt me a place and live there now.
Q You located that place when? A '66.
Q When did you move onto it? A In '73.
Q How often were you up to that place from the time you located it until the time you moved on it? A Nearly every month or two; then I stayed up there on the Verdigris and worked a good deal.
Q Who was living near John Freeman in 1867, when you say you say him up there in 1867 with his family? A Henry Armstrong, a Delaware.
Q Henry Armstrong knows when John came there? A I don't know.
Q What other colored people were living there near John in 1867? A Old man Mose and Dennis Wright, Lewis Wright and a whole lot of them.
Q There was none there but Mose in 1866? A His brothers was with him, Nelson and Lewis and Dick Whitmire, little Mose Whitmire.
Q Didn't you say a while ago that there was nobody but Mose and John there in 1866? A No, sir, I didn't say it.
Q Was Aaron Whitmire there? A I never seen him.
Q Did you ever see him up there? A Yes, sir, the other day.
Q When did John first learn about what you knew in this case? A He knowed it all the time, been talking about it all the time.
Q Have you ever testified before in this case? A No, sir.
Q When were you first subpoenaed to come? A I was here the other times and you put it off.
Q How long had you been subpoenaed before that time? A He told me about it two or three weeks before that.
Q You were around with the enrolling Commission nearly all the time? A No, sir.
Q The greater part of the time? A Not all the time.
Q Well, quite often? A Yes, sir, quite often.
Q John Freeman was there when you were there? A I never seen him but once when I was there.
Q You seem to know the exact date when he came? A No, sir, I don't say I know the exact date; I said I saw him in October.
Q You remember the month? A Yes, sir, but not the day.
Q What makes you remember it was in October? A Because I remember the months I was there.
Q What month of the year did you go back there in 1867? A Along in about July, '67.
Q What month of the year did you go back in 1868? A I went in the Spring and stayed there on the Verdigris in March.
Q What month did you go there in 1869? A I lived up there pretty near all the time after '68.
Q Do you want to be understood that from your memory you can remember the month that you went up on Lightning Creek, which tookd place about 37 years ago? A I recollect the monththat I went up there.
Q You hadn't thought about that until this enrollment took place, had you? A Yes, sir.
Q How many times? A I don't know.

Q You knew that John Freeman was on the doubtful roll? A Yes, sir.
Q You knew his citizenship was disputed? A Yes, sir, that wasn't nothing.
Q You don't know anything about where he lived in Kansas of your own knowledge? A I never saw him in Kansas.
Q Do you know anything about it of your own knowledge, whether he lived there? A No, sir, I didn't see him.
Q You didn't know anything about his whereabouts or ownership before the war broke out? A No, sir.
Q And you never testified in his case before today, notwithstending John Freeman has been on the doubtful roll and his citizenship disputed ever since the war? A That is for him to say; I don't know nothing about it.
Q Do you know as much about that as the time you undertook to fix when you first saw John Freeman and his family in the Cherokee Nation A I never fixed the time; he had his family here.
Q You know just as much about his citizenship being in dispute as you do about the time he brought his family back? A No, sir.
Q Didn't you ever learn that John Freeman's citizenship was disputed? A Yes, sir, I heard them talk about it; never did know it for certain.
Q You attended the enrollment of the Wallace roll? A I went there and put down my name.
Q You knew John was in the country when that roll was made? A Yes, sir.
Q You attended the making of the Kern-Clifton roll? A Yes, sir.
Q And you attended the making of the roll and taking of the testimony by the Commission to the Five Civilized Tribes? A Yes, sir.
Q And didn't learn that John's citizenship was disputed? A No, sir.
Q When did you first learn that his citizenship was disputed? A I know they disputed the citizenship of all of us.
Q I aint asking you that, when did you first learn that John's citizenship was disputed? A When the notice come back to him to furnish more evidence.
Q How far do you live from John Freeman? A About four miles.
Q How long have you been living that near him? A Ever since '73, I have been living there.
Q Do you want it understodd that you have lived in four miles of John Freeman since 1873? A Yes, sir.
Q And that you didn't learn of his citizenship as a freedman citizen of the Cherokee Nation being in dispute? A No, sir, I didn't know it.

By Mr. McRea:
Q Mrs. Labrum who testified in behalf of the Cherokee Nation on June 15, past, testified that she knew John Freeman, the father of the applicant George Freeman, to remain in the State of Kansas, near Fort Scott, from 1866 until after October, 1867, could her statement be correct? A It couldn't be.
Q Then she is mistaken? A Yes, sir.

By Mr. Davenport:
Q You have testified in a number of freedmen cases? A A few.
Q About how many? A About 7 or 8.
Q Haven't you testified in about 30 or 40? A I don't think so.
Q You don't know anything about Mrs. Labrum's testimony do you?
A No, sir, if she testified-----
Q Might not you be mistaken as well as she as to the date of John Freeman being in the Cherokee Nation? A I aint mistaken about seeing him.
Q Might you not be mistaken about seeing his family living there in 1867? A No, sir.

Q No possible chance for you to be mistaken? A No, sir, I know that I went there and got some water melons from him.

By Mr. McRea:
Q You were here and heard Mrs. Labrum testify, didn't you, in behalf of the Nation? A They wouldn't let us in here.
Q You were here on that day? A Yes, sir.

ANN SANDERS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Ann Sanders.
Q How old are you? A Something over 50.
Q What is your postoffice address? A Hayden.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman?
A Yes, sir.

By Mr. McRea:
Q How long have you known John Freeman, the father of George? A Ever since I was big enough to recollect.
Q Did you know him when he lived at or around Fort Scott, Kansas?
A I lived at Lawrence; I knew him.
Q Did you see him during the war, in 1866? A Yes, sir.
Q Near Fort Scott? A Yes, sir.
Q Where at? A Right in Fort Scott, we were camped on a Creek, coming to this country.
Q Did you have a conversation with him at the time you met him?
A Yes, sir.
Q State what that conversation was?

Mr. Davenport: The representatives of the Cherokee Nation object to that on the ground that declarations in the interest of a party plaintiff or defendant of the party, themselves, cannot be introduced either as direct evidence in their own interest or in rebuttal of evidence brought out by the opposing party, but only declarations against interest can be used against either party in the trial of any lawsuit.

Commission: The applicant will be permitted to answer the question subject to the objection of the attorney for the Cherokee Nation.

A We were camped there and Mr. Freeman and Sam Webber and Peter Meigs and several others, old man Mike Sanders, had returned from the Cherokee Nation, just come in, they said, that is what they said, had been building houses down on the verdigris somewhere and had come for their families.
Q Had they just arrived? A Just come in; hadn't got home.
Q Did you see the teams they were driving? A Yes, sir, they were all out there.
Q What time of the year, 1866, was that? A Along in---it was cold.
Q In the fall? A Yes, sir.

By Mr. Davenport:
Q How old are you? A I told you 50 something, I don't know exactly.
Q Where were you raised? A At Tahlequah.
Q Cherokee Nation? A Yes, sir.
Q Who was your former owner? A Nick Sanders.
Q You went away from the Cherokee Nation during the war? A Yes, sir.

Q Did your former owner go with you? A He didn't go with me; he went with the soldiers.
Q How long did you stay in Kansas? A I think it was '63, when we went, and come back in '66.
Q To what point did you come when you came back? A Tahlequah.
Q Did you come back before or after the treaty was made? A Treaty was made in '66, I don't know; I know I come in '66.
Q Did you come back before or after the treaty, you know when it was made, don't you? A I heard William Ross make a speech at Tahlequah, telling all the freedmen to come home, saying that they had the same right that he did.
Q When was that? A After I come.
Q How long had you been back when you heard this speech? A We come in the winter and along in the spring like I went up there to see mother and William Ross made a speech.
Q You came back and got back to Tahlequah sometimes in the winter and came on down to Fort Gibson and sometime the following Spring you heard William P. Ross make a speech in regard to the freedmen all coming back to the Cherokee Nation, is that correct? A I said we come to Tahlequah in the winter of '66, and sometime after that we come, Uncle Ben taken me to Fort Gibson and then I come back up there to see mother and there was speeking in the square there about the '66 treaty.
Q How long was it after you came back to Fort Gibson and then went back to Tahlequah and heard this speech? A I don't know.
Q A month or two? A I don't know.
Q Have you no recollection whatever as to when you learned about the treaty? A I tell you that is all I know.
Q Do you remember what you were doing in 1865? A I was there at home.
Q Where? A 1865?
Q Yes? A I was living at Lawrence.
Q Did you see John Freeman in 1865? A No, sir.
Q You testified to-day, didn't you, in a case that was heard here?
A Yes, sir.
Q What case was that? A That Still case.
Q That Paulina Turk case? A Yes, sir.
Q How old were you when you claim to have met these parties at Fort Scott, Kansas? A I don't know, sir, just a young woman, I reckon I was a young woman.
Q Had you known any of those parties before the war? A Yes, sir.
Q When were you first spoken to about being a witness in this case?
A Mr. Freeman asked me didn't I know about coming up to Lightning Creek and seeing them there.
Q When was that? A In '67.
Q I mean when did he speak to you about being a witness? A To-day.
Q Is John Freeman here to-day? A His son did.
Q Did I understand you to say that you went to Lightning Creek and saw them? A Yes, sir.
Q When did you tell that, I haven't heard you tell of it? A You hadn't asked me-I- yet; you asked me when did I see him.
Q When did he speak to you about being a witness? A To-day.
Q You have been a witness in this case before to-day? A No, sir.
Q He knew this all the time, about seeing you? A I guess so.
Q Who did you first tell that you remembered seeing John Freeman up there? A I don't know.
Q You had never thought about it at all, had you? A Yes, sir.
Q You didn't think about-----? A I didn't know it was him.
Q You knew that John and his family were living up there in Fort Scott, Kansas, in the fall of 1866? A Yes, sir.
Q Are you any relation to any of the family? A No, sir.
Q Did you know John Freeman before the war? A I knowed him when I seen him.

Q Aren't you mistaken about meeting John Freeman and Sam Webber and those people? A No, sir.
Q Who did you meet further down the line as you came back to the Cherokee Nation in the fall of 1866? A We would meet people and not know them and we would overtake some.
Q Who did you overtake? A Ben Grimmett, Polly Wildcat.
Q That was in 1866? A Yes, sir.
Q Who was the first party you met when you got back to Tahlequah? A My mother.
Q Who was the next party? A Mrs. Fish.
Q And you haven't talked with John Freeman about this evidence, have you or not? A I told you his son spoke to me to-day, didn't I remember when I seen him, and I told him, "yes, sir."
Q Who was in that crowd at that time you saw John Freeman? A Lewis and Mose Whitmire, Mike Sanders, Peter Meigs.
Q Anyone else? A Old man Sam Webber.
Q Anyone else? A A good many, but I can't remember them all.
Q Was Nelson Murrell along? A I didn't see him, I don't know; there was quite a crowd.
Q You had come down from Lawrence by the way of Fort Scott? A Yes, sir, I did.
Q What part of the month of October was it you saw him there? A Did I tell you October, no, sir.
Q What time of the year was it? A I told you it was cold.
Q What month was it? A I couldn't tell.
Q What time did you get to Tahlequah? A I don't know; it was cold.
Q Before or after Christmas? A I don't know, about Christmas, I guess.
Q Didn't you testify to-day in that case that you got to Tahlequah in August, 1866? A No, sir.

By Mr. McRea:
Q When you met John Freeman and his crowd at Fort Scott, Kansas, were you enroute to the Cherokee Nation then? A Yes, sir.
Q When was the first time that you saw John Freeman and his family in the Cherokee Nation? A In '67.
Q Where were they living then? A Right where Filmore Secondine lives.
Q Do you recollect about what time in 1867 that was? A I couldn't tell; I know it was last of August or September sometime like that.
Q Have you continuously seen him in the Cherokee Nation since August or September or 1867? A Yes, sir, I seen him passing around.
Q Are you any relation to the applicant, John Freeman, and his family? A No, sir.
Q You have no interest in the ultimate result of this case, have you? A No, sir.

Mr. Davenport: The Cherokee Nation asks that the testimony of Ann Sanders taken in the case of Paulina Turk be made a part of the record in this case.

Commission: The request of the Cherokee Nation's attorney will be complied with.

GEORGE WEST VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A George West Vann.
Q How old are you? A 53.
Q What is your postoffice address? A Lenapah.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman and their families? A Yes, sir.

Q When did you first get acquainted with them? A Firt got acquainted with old man John Freeman in Kansas.
Q When? A In '65, I believe.
Q Where was he living then? A Up in Kansas, I didn't see him right to his home; I saw him in Fort Scott.

By Mr. McRea:
Q When was the first time you ever saw John Freeman in the Cherokee Nation? A In January, '67.
Q Where at? A Cooweescoowee district.
Q Did he have a family with him then? A Yes, sir, I never saw but two children and his wife.
Q Where he now lives? A Yes, sir.
Q He is residing there now? A Yes, sir.
Q Have you continued to see him at different intervals? A Yes, sir, sometimes; he come down here where we live a time or two, on Spring Creek, and have seen him off and on until now.
Q He is the same John Freeman whom you saw or first met in '65, in Fort Scott, Kansas, and afterwards seen him in the Cherokee nation with his family, about January, 1867? A Yes, sir, that is the same man.
Q Are you any relation to John Freeman, the father of the applicant George Freeman? A No, sir.
Q Have you any interest in the ultimate result or outcome of this case? A No, sir.

By Mr. Davenport:
Q Had you known John Freeman before the war? A No, sir.
Q When did you come back to the Cherokee nation? A Got back in '66.
Q Who come back with you? A I couldn't count them every one.
Q Do you know the most of them? A Uncle Gilbert, Jess Shaw, Joe Bean, Tobe, Jack Bean, Ellis Vann, Eli Vann, David Vann, Susan Boles, Dobie Daniels, Patsy Daniels, Phyllis Bean, Lou Bean, Walker Vann, Sam Vann, Aunt Chlora Choteau and her daughter, Louisa Choteau, Toby Choteau.
Q You say you saw John Freeman in Fort Scott, Kansas? A '65, time of Price's raid.
Q When did you next see him? A In January, '67.
Q What causes you to remember it was January, 1867? A We were hunting stolen horses in '67, andI was through that country.
Q Who lived in that country at that time? A I saw the Wrights.
Q How many of the Wrights? A I saw Mose, Aaron, Dennis, Uncle Jack Landrum, John Freeman and Uncle Sam Mosely.
Q Did you make any notation as to its being January, 1867? A I know it was, because we come down in the fall of '66, and it was after Christmas.
Q You don't know how long after Christmas? A Just after Christmas.
Q You say John Freeman was living up there with his family in January, 1867? A Yes, sir.
Q On what place with reference to the place he lives on now? A He swapped places with Secondine and lives on the other place.
Q How far are the places apart? A I judge about a mile.
Q When did Secondine come down there and start this place? A '67, I think, it was.
Q He was a Delaware Indian? A Yes, sir.
Q And didn't come down and start this place until after the Delaware treaty was made? A I know there wasn't no Delawares living there when I saw them.
Q You knew Filmore Secondine during his lifetime? A Yes, sir.
Q You heard him testify in this case once did you? A Yes, sir, I think so.

Q Didn't you hear him say there wasn't nobody living there in that neighborhood? A I heard lots of people say I didn't come back, too.
Q You didn't prove that you were up on Lightning Creek? A No, sir, they didn't ask me; I could have.
Q You don't know when John Freeman began his place up there?
A There wasn't much done on the place when I was there.
Q Was there any broke land? A I don't recollect seeing any; I just saw a little old cabin.
Q Who lived near at that time? A Aaron and a lot of them; Albert Morris I think was in, Al Morris, but that other man I can't think of his name--Sam------
Q He is dead now? A Yes, sir, I guess he is.
Q Where was Henry Armstrong living then? A He wasn't there; I didn't see him.
Q Can you think of anyone that is living other than those people you have mentioned? A I just seen them there then.
Q Where was your home there then? A On Spring Creek.
Q In Tahlequah District? A No, sir, Saline.
Q On the east side of the Grand River? A Yes, sir.
Q You were hunting stolen horses then, were you? A I was hunting stolen horses and come down by old Bob Daniels, across the river, on the Verdigris.
Q There were no roads through that country at that time? A No, sir, grass was high as a man on a horse.
Q The old military road leading to Fort Gibson from Fort Scott, Kansas, wasn't there? A It was away this way; the old California road run out that way.
Q Was that the first time that you had been up in that country on the Verdigris since the war? A Yes, sir.
Q Had you been there before the war? A Yes, sir.
Q Who lived up in there before the war? A I don't know; nobody, Charley Rogers and them Coodys.
Q How far is this place where John Freeman lived from the old Coody place? A About three miles, I guess.
Q Had the old man Coody and the folks returned when you were there in January? A I didn't see none of them.

Mr. Davenport: The representatives of the Cherokee Nation be move that this case be continued until July 28, 1904, in order to enable them to procure the attendance of James Labrum, who is at his home sick and unable to attend at this time, the sickness being shown by certificate of Dr. B. A. McLeMore of Fort Scott, Kansas. Said James Labrum has been regularly subpoenaed to attend.

Mr. McRea: Comes now the applicants attorneys and object to the above motion of attorneys for the Cherokee Nation for the reason that it was at the solicitation of the representatives of the Cherokee Nation that this case was continued from June 15, 1904, until July 16, 1904, for the purpose of introducing the testimony of the witness herein alleged, and the representatives of the applicants agreeing thereto.

Commission: Sufficient cause being shown by the attorney for the Cherokee Nation for the request of the continuance, same will be granted, and this case is continued until nine o'clock A. M., July 28, 1904, at which time the final hearing will be had therein.

July 28, 1904. Continued by agreement until July 29, 1904.

July 29, 1904.
APPEARANCES:
Applicant, George Freeman appears in person and by attorneys, A. S. McRea and R. W. Blue.
Cherokee Nation by its attorney, James S. Davenport.

SAM WEBBER, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:
Q What is your name? A Sam Webber.

Q How old are you? A Nearly 60
Q What is your postoffice address? A Nowata.
Q You are a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman?
A Yes, sir.
Q How long have you known them? A Ever since time of the war.

By Mr. McRea:
Q Mr. Webber, you are an authenticated citizen of the Cherokee Nation, are you not? A Yes, sir.
Q Where was the first time you ever met John Freeman, the father of the applicant, George Freeman, in the Cherokee Nation, state when and where you met him? A We come to Big Creek and built us some houses in the Cherokee Nation and went back to Kansas and Lewis Whitmire, or Wright, and Mose Whitmire came down with us in July, the latter part of July, '66, and in August, '66, we put us up some log cabins and went back, and along about two months after that, why we come back, but left Lewis and Mose Whitmire and them in Kansas, and after we come to the Territory Lewis and Mose Whitmire and John Freeman and a lot come on down behind us and came where we were living.
Q That was sometime in the month of November, was it? A It was along in October or November, I aint certain which month, but it was one of them, and John Freeman and Lewis Whitmire had spliced teams; they had a yoke of steers apiece and spliced teams.
Q Have you continued to see John Freeman and George Freeman in the Cherokee Nation since you met him in the year 1866? A John Freeman built a house and got Lewis Whitmire to make boards and cover it, and he went back for his family, John Freeman did.
Q And John and his family have continuously resided in the Cherokee Nation ever since? A Yes, sir, ever since.
Q Are you acquainted with Aaron Wright? A Yes, sir.
Q On or about the 17th day of June, last, Aaron Wright was introduced by the Cherokee Nation and testified that he knew the applicant, John Freeman, in the State of Kansas, in the year 1866, that he continuously resided therein until in and about the latter part of the year 1867, or the early spring of 1868, state whether or not that statement is true or correct? A It can't be, for one reason, in June, 1867, John Freeman broke some prairie for me. I couldn't finish it, my steers died, and he finished it for me in June, '67, and I put in some corn and raised some pretty fair corn. I gave him some shoats for breaking the land for me.
Q This is the same John Freeman, the applicant, whom you met in 1866? A The same man.
Q And who broke out land for you in June, 1867? A Yes, sir.

By Mr. Davenport:
Q You have been with the Commission during its enrolling all the time? A Yes, sir.
Q About how many cases have you been a witness in? A I don't know.
Q How many do you think? A I haven't kept account, I just witness for the people I know, and I never tried to count them. Sometimes I would witness for old heads and they had children and grandchildren and they had children, and I never kept any account of them.
Q I will ask you if, during the work of what was called the field work, if you didn't testify in 64 different cases? A I don't know about that.
Q Commencing with Nos. 216 and going up to No. 1099, the number of cases between the two numbers given that you testified in being 64? A It may have been; I don't know that.
Q When was it, you say, that John Freeman came first to the Cherokee Nation? A He come down sometime in November or October, I don't know which, with Lewis Wright and Mose Whitmire, or Wright, and several others.

Q October of what year? A 1866.
Q You were not in that crowd? A I was ahead of it; it come on down after we did.
Q Was that the time you come ahead of it, was that the first time you come? A No, sir, that was my second trip; I had been here in the fall of '65; '66 caught me down here in the Territory.
Q When did you move your family down? A I had no family and father had no family.
Q You lived in family in 1866; didn't you, Sam? A Yes, sir, father did, too, and made a crop there.
Q In 1866? A Yes, sir.
Q You testified in Freedmen Doubtful 216, Aaron Webber, didn't you? A Yes, sir, that was my youngest brother, baby brother.
Q You came to the Cherokee Nation with the Sanders, didn't you, Reuben? A Yes, sir, our first trip, we come together in July.
Q That is the time that Reuben Sander's wagon was searched, looking for Dyer Hayford, wasn't it? A No not that time.
Q Do you remember the circumstance of Eli Mackey killing Hayford near Fort Scott, Kansas? A Yes, sir.
Q Where were you at that time? A On Big Creek, Cherokee Nation.
Q You didn't come, I believe you say, with John Freeman and the family? A No, sir, I didn't.
Q You don't know exactly when he did come, do you? A Yes, sir, right at it.
Q You testified in the case Freedmen Doubtful 607, didn't you, known as the Abraham Ward case? A Yes, sir.
Q When did Ward come with reference to when Freeman came? A He come just ahead of Freeman, him and his father and brother.
Q You also testified in Freedmen Doubtful 555, William H. Buffington didn't you? A Yes, sir.
Q When did Buffington come with reference to when Freeman came? A I saw Buffington up in Timber Hill, Cherokee Nation, after that.
Q Did you see Buffington before you saw Freeman? A After I saw Freeman.
Q You also testified in Freedmen 871, Elizabeth Duncan? A Yes, sir.
Q You testified she came in 1866, too? A No, sir.

Mr. McRoa: Comes now the attorneysfor the applicants and object to the mode of cross-examination by the representatives of the Cherokee nation, especially upon the interrogatories propounded as to the statements of witness in other cases heretofore testified to in, for the reason that the witness isn't confronted with the statements as set out by the stenographic notes in said cases; hence the within interrogatories are incompetent and inadmissible, and it is further objected to, if it be the purpose of the representatives of the Cherokee Nation to impeach the testimony of the witness upon statements heretofore made, as the witness' attention thereto should be called to the statements therein mentioned by him made.
Commission: Objection noted.

Q You are the same Sam Webber that testified in Freedmen Doubtful 548, Nelson Murrell, are you not? A Yes, sir.
Q You lived in the same neighborhood with John Freeman in Kansas, during the war? A I lived about 18 miles from him; I was always at Fort Scott every week or two.
Q Right around where he was? A I was there in Fort Scott and would meet him.
Q Meet him every time you would to to Fort Scott? A Not every time, but often enough to know it was John Freeman.

By Mr. McRoa:
Q The party or parties in whose interest you testified to you were acquainted with them, were you not? A Yes, sir.

Q You were acquainted with more than 64 or a 100 persons, so far as that is concerned in the Cherokee Nation, were you not? A Yes, sir, more than that.
Q Are you any relation to the applicants, John Freeman and his son, George? A No, sir.
Q Have you any interest in the outcome of this case? A No, sir.

By Mr. Davenport:
Q Haven't you been in continuous attendance at the different places where the Commission has set for the purpose of taking testimony in freedmen cases since they began making the freedmen roll? A Yes, sir, all except Tahlequah, I didn't go there, and Fort Gibson, I didn't go there.
Q Why did you attend all these sittings if you were not interested in the outcome of the cases? A They would come after me to go and witness for them, and I would go.
Q You were simply what was known as a standing witness? A Yes, sir, if they want me.

Mr. Davenport: The representatives of the Cherokee Nation desire to call the Commission's attention to the action and the decision of the Commission in Freedmen Doubtful 548, Nelson Murrell, F. D. 607, Abraham Ward, F. D. 555, William H. Buffington and F. D. 871, Elizabeth Duncan, and ask that the decisions in these cases be referred to when they make up decisions in this case.

Mr. Blue: To that the counsel for the applicants object for the reason that said decisions are based upon the testimony where this applicant had no opportunity to cross examine the witnesses or meet them face to face to hear what they had to say, nor did said applicants have any opportunity in said cases to rebut the testimony that was offered or to chalenge the attention of the witnesses for the Cherokee Nation to the time when these applicants came to the Cherokee Nation after the ratification of the treaty, or to investigate the testimony of said witnesses so as to be able to look up the testimony to rebut the statements of the witnesses on behalf of the Cherokee Nation. Said decisions and other matters of record offered by the counsel for the Cherokee Nation are incompetent, irrelevant and immaterial in this case.

Commission: The request of the attorney for the Cherokee Nation and the objections of the applicants' attorneys will be noted in this record for the consideration of the Commission.

Mr. Blue: Counsel for the applicants in this case, if the decisions and cases referred to by counsel for the Cherokee Nation and offered in evidence here are admitted, move to strike all of said decisions, matters and things that the Cherokee Nation takes as evidence in this case from the evidence herein, for the reasons above stated. If the decisions and records are to be admitted and considered by the Commission, counsel for the applicants in this case ask to be permitted to bring other witnesses in this case to disprove the statements of the witnesses in these cases in which the decisions are offered so far as they relate to this case; and that the witnesses whose testimony was offered in these cases and upon whose which decisions were rendered be brought back for the purpose of cross examination in this case before the final decision is rendered herein.

Mr. Davenport: The representatives of the Cherokee Nation desire to ask of the representatives of the applicants if they are desiring to-day to close this case. If they are not, we ask that they fix a day when they will announce closed, and we will stand upon our request that the Commission make reference to the decisions named and either get the reference made or denied us, without the testimony being opened up at a future day.

Commission: The attorney for the Cherokee Nation will be requested to state for this record the object for calling the Commission's attention to the various cases mentioned in his request.

Mr. Davenport: The representatives of the Cherokee Nation desire in making the request that the Commission, in making up this case, make reference to F D 607, F D 555 and F D 871, upon the ground that they desire to identify Sam Webber, who testifies in the case at bar as being one and the same Sam Webber who testified in the cases named, and for the purpose of showing what interest he has taken in all of the doubtful cases before this Commission, in which he has testified.

Mr. Blue: The same objections made above are made to this offer now, and the same motion made above is made to this testimony offered and we move to strike it out.

Mr. Davenport: The representatives of the Cherokee Nation move to strike that out, for the reason that it is a subsequent statement made by the Cherokee Nation and was made at the request of the Commission as to the reason they had asked to have these cases referred to.

Commission: The statement of the attorneys for both sides will be noted in the record.

Mr. Blue: I make the same request in regard to the cross-examination of the witness that I made above.

Commission: Statement of the applicants' attorney will be noted in the record.

Mr. Blue: In reply to the request of the counsel for the Cherokee Nation to know whether or not the applicant closed his testimony now, counsel for the applicant say that the testimony on their part is now closed, unless under the offer of the decisions and other matters of record by the Cherokee counsel as above stated, the Commission should take into consideration the testimony offered in the cases stated and offered by the counsel for the Cherokee Nation herein, if the Commission should consider the testimony in these cases in which the decisions are offered, then counsel for the applicants in this case insist on their request to have an opportunity to cross-examine the witnesses and rebut the testimony which they consider in the cases offered. In other words, the testimony is now closed on the part of the applicants herein, unless testimony in the cases offered by counsel for the Cherokee Nation is considered.

~~Commission:--It-is-un~~

Mr. Davenport: If the Commission is ready to close the evidecne in this case, the Cherokee Nation has closed without any subsequent condition whatever.

Commission: It is understood from the statement of the Cherokee Nation's attorney that they desire to offer no further testimony and that they don't offer anything in the way of testimony or decision as a part of the record in this case. It is also considered that both the applicants and the Cherokee Nation have had ample opportunity to introduce anything which they might desire and which would be competent in this case, and the case is now considered closed. The motions, requests and objections of both parties in regard to certain records have been entered for consideration of the full Commission.

The attorneys for the applicants will be given 15 days within which to file a brief in this case and will be required to file a copy with the Cherokee Nation's atterneys.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes

thereof.

W M Shurce

Subscribed and sworn to before me this the first day of August, 1904.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of PAULINA TURK, ET AL., as Cherokee freedmen.

It appears that on June 30, 1904, the applicant, Paulina Turk, her attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 16, 1904, and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant in person and by attorney, R. W. Blue.
Cherokee Nation by its representative, James S. Davenport.

ANN SANDERS, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:
Q What is your name? A Ann Sanders.
Q How old are you? A 50 something, don't know exactly.
Q What is your postoffice address? A Hayden.
Q Are you a Cherokee freedman? A Yes,sir.
Q Do you know the applicant in this case, Paulina Turk? A Yes, sir.
Q How long have you known her? A First time I seen her was in along last of August or September, '67, but I knew her mother ever since I was a girl
Q What was her mother's name? A Nancy Still.
Q Do you know whether or not Nancy Still was the slave of a Cherokee citizen before the war? A Her master said it was his slave.
Q Who did she belong to? A Cook Still.
Q Citizen by blood of the Cherokee Nation? A Yes,sir.
Q Where did he live before the war? A His home was Going Snake; just going about; my mother's sometimes; just first one place and then another; didn't have a certain home.
Q Did Nancy Still belong to him when the war come up? A He said so
Q You don't know yourself? A I just know what he said.
Q Where was nancy living when the war come up? A When we went to Kansas, she was working in Tahlequah.
Q Who was she living with? A She was working out.
Q Who for? A For Jess Wolfe; I don't know just exactly.
Q How old is the applicant, Paulina Turk? A I don't know; when I knew Nancy she never had but one child to my knowing and that was a boy.
Q Do you know whether Nancy went out of the Nation during the war?
A Yes sir, my uncle taken her out.
Q Where to? A Paola, Kansas.
Q Do you know whether or not Paulina Turk has any children? A Yes, sir.
Q Do you know a child of hers by the name of Ada Prophet? A Yes, sir.
Q Is that child living now and living with the applicant? A Yes, sir, she is living; they call her Etia, I suppose it is the same.

Q Do you know Harry Prophet, who is said to have been the father of that child? A Yes, sir.
Q Is he living now? A No,sir.
Q Do you know whether or not he was a citizen of the Cherokee Nation? A I couldn't say; they said he was.
Q You don't know? A I don't know anything only they lived close to me and said he was .
Q Was he a colored man? A Yes,sir.
Q Do you know whether or not this man Harry Prophet ever lived with Paulina Turk? A Yes,sir, he lived with her.
Q For how long a time did they live together? A Something over a year; I don't just remember; they lived in about 2 1/2 miles of me.
Q Do you know whether this child Etta or Ada was born during that time? A She was born soon afterwards.
Q About how long? A I couldn't tell, but she was born born afterwards.
Q To the best of your knowledge? A I couldn't just tell, but soon afterwards.
Q A Year afterwards? A No,sir, a short time afterwards, after she left him her brother had to take her and take care of her until the child was born; I know she wasn't able to take care of herself.

By Mr. Blue:
Q What did you say was the name of the master of Nancy Still?
A Cook Still.
Q Where did you last see him? A The last time I seen Cook Still we were going to Sanders', Ben Sanders' raised me and taken us to Kansas; we were camped at May's Mill for several days , and he come down there in the afternoon, and so he told my uncle, he says,"I come to tell you all goodbye," and told him he come down to tell Nancy goodbye and told Ben he wanted him to take good care of Nancy, and says, "She was my nigger and I leave her as a sister," and says, "I am going away and give the rebels hell."
Q Where was Nancy then? A Right there holding the child in her lap.
Q Was that Paulina? A I don't know about Paulina.
Q To whom did Cook Still refer when he said Nancy Still? A He was talking to my uncle and she was sitting there.
Q What was your uncle's name? A Ben Sanders.
Q Do you remember the date of that conversation? A I can't really I was a girl; I think it was in '62 or '3, first of '63 we left home in the Christmas I remember well.
Q Christmas of some year? A I think in '62
Q Was the war going on? A Yes,sir, the war was going on, because Cook Still, they come in home Christmas morning, the soldiers, and Nancy was at our house.
Q Where was this mill that you speak of? A I couldn't tell you now; up that way somewhere.
Q Was this conversation at the mill? A Camped on a creek
Q Was that in the Cherokee nation? A Yes,sir, I think so.
Q He said at that time that she was his nigger and to take good care of her? A Yes, he did, him and several other men.
Q Where did you say Nancy first got with you people? A When we first started at Tahlequah.
Q Did she come to you there? A When I seen her she was there.
Q Was there a good crowd of you starting north then? A Yes,sir, a good many
Q When did you see Nancy Still there? A The last time, I believe I seen her once afterwards in Lawrence.
Q When was that? A It was, I guess, about in '64, sometime I couldn't really remember.
Q Is she living yet? A They say she is dead.
Q You don't know about that? A No,sir, I guess she is, though.

Q In regard to Harry Prophet, when did you first see him, if you remember? A First seen Harry Prophet , been about 14 or 15 years; before they paid off that Wallace money at Vinita.
Q Where was he residing at the time you first saw him? A I never was at the place; I heard it.
Q Where did you first see him? A At Mr. Hughes .
Q Where was that? A On Lightning Creek.
Q Cherokee Nation? A Yes, sir.
Q Do you know whether or not he was a Cherokee freedman? A No, sir, I couldn't swear it; I have heard it; I don't know.
Q Where did he and Paulina live together? A About 2 1/2 miles from home.
Q From your home? A Yes,sir.
Q Where was that? A On the road to Chelsea; we lived right close to the road as you go to Chelsea from Hayden.
Q About where did you live at that time? A Right where I am now.
Q How far is that from Chelsea? A Eight miles.
Q What distance from Hayden? A About two miles.

By Mr. Davenport:
Q In what part of the Cherokee Nation do you live? A Hayden, Cooweescoowee.
Q How far do you live from Paulina Turk? A Now?
Q Yes. A I guess it is about four miles.
Q Where were you living when the war broke out, and with whom?
A I was living right in Tahlequah.
Q With whom? A Ben Sanders.
Q Where was it that you saw Cook Still, when was it with reference to the breaking out of the war? A I seen Cook all the time of the breaking out of the war.
Q How long after the war broke out? A I think it was about '62 or '3, I think so; Uncle Ben said it was '62 when we left it was in Christmass.
Q Don't you know it to be a fact that Cook Still was killed right at the beginning of the war? A He was killed the very night he come to out camp; I can prove it; John Meigs come to our camp with him and that was when he was telling them goodbye; the next day the report come back that Cook Still was killed, and this Nancy Still was crying.
Q Was Nancy Still the mother of Paulina? A That is what they say.
Q You don't know anything about that of your own knowledge?
A That is what they say.
Q You were camped then at Hay's Mill? A Yes,sir.
Q Near Cincinnatti, Arkansas? A I think so.
Q It was in Arkansas? A I don't know; it was Hay's Mill.
Q How large were you then? A A good big girl.
Q About how old? A About 12.
Q How old was Nancy Still? A I couldn't tell you.
Q Older or younger than you? A She ~~was a~~ had a baby.
Q She was a grown woman then and you were a girl? A Yes, sir.
Q When did she leave your people? A We went from there to the Neosho and went from there to Fort Scott and then Ben took her to her brother's in Paola, Rube Still, and we went to Lawrence.
Q When did you next see her after you left her at Paola? A I saw her in Lawrence, I think, in '64, not so awful long afterwards.
Q After '64 where did you next see her? A Not ~~until~~ at all
Q Did she die up about Lawrence somewheres? A I don't know.
Q You don't know then anything about Nancy Still or what became of her after you saw her in Lawrence in '64 ? A No,sir.
Q All that you know about Paulina being her girl is the representations made to you by other parties? A That is what her father said; I don't know; her father said that this was her mother.

Q When did you first see Paulina Turk, give the year? A I seen her in '67
Q What part of '67? A I saw her on Lightning.
Q What part of '67 A Along the last of August as near as I can tell
Q Where were you living at the time you saw Paulina Turk first?
A I was living at Tahlequah, but I went from Tahlequah out to visit my sister, and there is where I seen her at.
Q When did you move out to the Verdigris country? A I went out there in '67 and went back to Tahlequah and just kept going when I got ready, about 20 years ago I moved out there and made me a place
Q You moved to Verdigris about 20 years ago? A Yes,sir.
Q How far did you live from Betsy Sanders? A About three miles.
Q Is she any relation of yours? A Yes,sir.
Q When did she move out there? A I couldn't tell you; I really don't know.
Q Was she living out there when you moved out there? A Yes,sir, she was living there when I moved out there.
Q You don't know anything about where she came to after the war?
A To Tahlequah.

By Mr Blue:
Q When Cook Still was living about, as you say he did from place to place, where was Nancy Still, his slave? A She was working out; I couldn't tell the very place; she would come to our place at night; she would be working at different places.
Q Was she hired out? A Yes,sir, Mr. Still was a man, he never had really a certain home.
Q Did he keep her hired out all the time? A Yes,sir, and Rube Still went with him.
Q Who was Rube Still? A His nigger, but he went with him.
Q Was that his slave? A yes,sir, he said it was.
Q Do I understand you that he said on the day before he was killed that this Nancy Still was his nigger? A He said so.

By Mr Davenport:
Q Did I understand you to answer Col. Blue and tell him that Cook Still kept her hired out before the war? A I know she was working.
Q Do you know of your own knowledge that Cook Still had her hired out when the war began? A He said so, I have got to tell you what he said.
Q Did he tell you that he had Nancy hired out at the time the war began? A He didn't tell me; I heard him tell uncle Ben.
Q Did you hear Cook Still tell anybody that he had Nancy hired out at the time the war began? A Yes,sir.
Q Who was it and who was present? A My uncle and me and my sister and several others; I couldn't tell; a girl couldn't remember everything.
Q You seem to remember the words pretty well, very definitely, why can't you remember the parties that were present? A I know what I remember.
Q I will ask you if you don't know that Cook Still sold Nancy before the war began? A No,sir, I never heard it until here lately.
Q Didn't Cook Still have a regular home out from Tahlequah where he lived? He may have, but he didn't stay there.
Q You were a 12 year old girl at that time? A yes,sir.
Q And you remember that he was around there all the time? A Xxx,
A There wasn't a week passed that Cook Still wasn't at uncle Ben's at night; he would slip in at night, midnight sometimes
Q What made him slip in at night before the war began? A He said he was scouting
Q That was before the war began? A Yes sir.

By the Commission:
Q Do you know who collected the wages earned by Nancy Still at the time you state she was hired out just before the war? A No, sir, I don't.

ANN SANDERS, re-called for additional cross-examination, testified as follows:

By. Mr. Davenport :
Q I believe you said Betsy Whitmire came back to Tahlequah after the war? A Yes,sir.

Mr. Blue: We object to that, for the reason that it don't seem to be competent in any sense.
Commission: Objection noted.
Q How long did she stay at Tahlequah after the war until she went to Big Creek or Lightning Creek ?

MR. Blue: Objected to as incompetent, immaterial and irrelevant and not cross-examination of any matter brought out, and seeming to be for the purpose of getting testimony in some other case.
Commission: Objection noted; witness will answer.

A Well , Uncle Ben come in '66, and he taken me , I was a girl, to John Jones' at Fort Gibson, and my sister was at Tahlequah, and I couldn't tell where she went or how long she stayed, but I stayed at Jones' at Fort Gibson until '67, in school until the cholera broke out there, and then Mr. Jones went up to Tahlequah and we scattered everywhere, and the last part of '67, I went up to Big Creek to see mother and she was there .
Q You don't know what time of the year '67 she went to Big Creek?
A No sir.
Q Was it in 1867 or 1866 that she went there? A I aint certain but I think in '66; she was her own woman and I was under age, and I couldn't keep track of the grown ones .
Q Did you go in 1866 or 1867 to Fort Gibson ? A '67
Q Where was Betsy Whitmire living then? A I think, if I aint mistaken, she was gone to Big Creek, if I aint mistaken.

o-o-o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause,,and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) H. M. Vance.

Subscribed and sworn to before me this the 1st day of August, 1904.

(Signed) Charles H. Sawyer
Notary Public.

xxxxxxxxxx
x S E A L x
xxxxxxxxxx

Lucy M. Bowman being first duly sworn states that as stenographer to the Commission to the FiveCivilized Tribes she made the above and foregoing copy and that the same is a full and correct copy of the original transcript.

Lucy M Bowman

Subscribed and sworn to before me this 3rd day of August, 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Freeman et al., as Cherokee Freedmen, consolidating the applications of

John Freeman et al.,	Cherokee	Freedmen	D 458,
George Freeman et al.,	"	"	D 459
Osa Freeman	"	"	D 460,
Eliza Cannon,	"	"	D 612,
Mary Thompson et al.,	"	"	D 614.

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by John Freeman for himself and wife, Nettie Freeman, and minor children, John H., Elnora, Charlie, Jesse, Walter, Luther and Arizona Freeman; thereafter, on April 21, 1902, there was filed with this Commission an affidavit showing the birth on February 25, 1902, of Ora Freeman, child of the said applicants, John and Nettie Freeman; by George Freeman for himself and wife, Carrie Freeman, and minor child, Annie Freeman; by Osa Freeman for himself; by Eliza Cannon for herself; and by Mary Thompson for herself and minor children, Clarence, Ethel and Bessie Thompson.

The record further shows that on July 1, 1903, the Commission rendered its decision herein granting all the above named applicants except Carrie Freeman, and denying the said Carrie Freeman, the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded to the Department; thereafter, on April 4, 1904 (Departmental letter I.T.D. 842-04), on motion of the Cherokee Nation, the Department reopened this case and returned same for further proceedings. Supplemental testimony in the matter of said applications was taken June 15, and 18, and July 16, and 29, 1904, at Muskogee, Indian Territory. Copies of the testimony taken June 1, and 5, 1901, at Chelsea, Indian Territory, its decision rendered by this Commission on March 11, 1904, and Departmental letter of December 3, 1904, in re applications of John J. Rose et al., and Emily Nolen et al., for enrollment as Cherokee freedmen, Doubtful cases Nos. 474 and 511; and of

the testimony taken July 2, 1901, at Nowata, Indian Territory, its decision rendered by this Commission on July 23, 1904, and Departmental letter of September 23, 1904, in re application of George Thompson Jr., for enrollment as a Cherokee Freedman, Doubtful case No. D 1026, are filed herewith and made a part of the record herein.

The evidence in this case shows that the applicant, John Freeman, his former wife, Margaret Freeman, deceased, and his present wife, the applicant, Nettie Freeman, were slaves of Cherokee citizens at the commencement of the rebellion, were removed from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; that the applicant, Carrie Freeman, is the daughter of one John F. Rose, a non-citizen of the Cherokee Nation and one Emily Nolen, was born since the commencement of the rebellion, and possesses no rights to enrollment other than as a descendant of her said parents. In Cherokee Freedman D 511, the Commission has heretofore found that the said Emily Nolen possesses no rights to enrollment as a Cherokee freedman, and on December 3, 1904, its finding was approved by the Department; and that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said applicants, John, Nettie and Carrie Freeman, and the said Margaret Freeman, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants. In Cherokee freedman D 1026, the Commission has heretofore found that one George Thompson Jr., father of the applicants, Clarence, Ethel and Bessie Thompson, possesses no rights to enrollment as a Cherokee freedman, and on September 23, 1904, its finding was approved by the Department.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any applicant herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

It is claimed, on the part of the principal applicant herein, that he, his former wife, Margaret Freeman, and his present wife, Nettie Freeman, returned to the Cherokee Nation in the fall of 1866, in company with Moses Whitmire, Lewis Whitmire, Dennis Whitmire and Sam Webber, and, in this statement he is corroborated by the testimony of Lewis Whitmire, Moses Whitmire, Sam Webber, Franklin Ross and George W. Vann.

The Cherokee Nation contends that said three parties first above named did not return to the Cherokee Nation until the winter or spring of 1868, and in support of their contention, have filed with and made a part of the record in this case, a copy of the testimony of Lewis Whitmire, Moses Whitmire and Aaron Whitmire

taken in 1878 before the Chambers Commission, only twelve years after the making of the treaty of 1866. These three witnesses were, at that time, applying for admission to citizenship in the Cherokee Nation, and were admitted. The personnel of the party who returned with them to the Cherokee Nation in 1866 was repeatedly gone into and neither the applicants nor their witnesses, nor the witnesses for the Cherokee Nation, identified John Freeman and family as being members of that party. It is not until Moses and Lewis Whitmire appear as witnesses in this case that they are able to remember that John Freeman returned with them in 1866. The testimony of Aaron Whitmire before the Chambers Commission in 1878, and before this Commission in 1901 and 1902, as to the time of their return, the number of trips made, and as to the members of the party returning, is thoroughly consistent and entitled to great weight.

The testimony of Martha E. Labrum, a disinterested witness, shows that John Freeman and family resided continuously near Fort Scott, Kansas, from March, 1866, until after October, 1867, and it will be noticed that the time of the departure of Freeman and his family from Kansas, is identified in connection with an incident that would naturally impress her mind, the death of her grandfather, which occurred in October, 1867. The time of the applicant's departure from Kansas, as testified to by Martha E. Labrum, exactly corresponds with the time testified to by Aaron Whitmire of their arrival in the Cherokee Nation.

It is also a significant fact that most, if not all the members of this party with whom John Freeman claims to have returned, were admitted to citizenship by the Chambers Commission and are identified upon the 1880 authenticated Cherokee roll. This is not true of John Freeman or of those members of his family who, it is claimed, returned and have ever since lived with this colony of freedmen.

The witnesses, Sam Webber, Franklin Ross and George W. Vann, have testified in numerous freedmen cases, and have been repeatedly and successfully contradicted, and their testimony is entitled to little credence.

It is, therefore, the opinion of this Commission that the applications for the enrollment of John Freeman, Kettie Freeman, John H. Freeman, Elnora Freeman, Charlie Freeman, Jesse Freeman, Walter Freeman, Luther Freeman, Arizona Freeman, Ora Freeman George Freeman, Carrie Freeman, Annie Freeman, Ona Freeman, Eliza Cannon, Mary Thompson, Clarence Thompson, Ethel Thompson and Bessie

Thompson, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory,
this JUN 16 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. John Freeman,
Coodys Bluff, I. T.
Cherokee F-D-458
Register.

COPY

Cherokee Freedmen
D-458,D-459,D-460,
D-612, & D-614.

Muskogee, Indian Territory, July 13, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of John Freeman, et al., granting the applications for the enrollment of John, Nettie, John H., Elnora, Charlie, Jess & Walter, Luther, Arizona, Ora, George, Annie and Osa Freeman, Eliza Cannon, and Mary, Clarence, Ethel and Bessie Thompson, and rejecting the application for the enrollment of Carrie Freeman, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. H-116.

Cherokee Freedmen
D-458 et al.

Muskogee, Indian Territory, August 18, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the Commission's order dated July 27, 1903, denying your motion to reopen Cherokee freedmen cases No's. D-458, 459, 460, 612 and 614, John Freeman et al.

Respectfully,

Commissioner in Charge.

Enc. D-117

COPY.

Cherokee Freedmen
D-458

Muskogee, Indian Territory, September 16, 1903

John Freeman,

Coodys Bluff, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the dec sion of the Commission to the Five Civilized Tribes, dated July 1, 1903, granting, among others, your application for the enrollment of yourself, your wife, Nettie, and your eight minor children, John H., Elnora, Charlie, Jesse, Walter, Luther, Arizona and Ora Freeman, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings had in the original application and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Enc. D-33

Muskogee, Indian Territory, September 14, 1903

Edgar Smith,

Attorney for John Freeman et al.,

Vinita, Indian Territory.

Dear Sir:

Here is herewith enclosed a copy of the record of supplemental proceedings had in the consolidated case of John Freeman et al., together with a copy of the Commission's decision dated July 1, 1903, granting the applications for the enrollment of John, Lettie, John Jr., Elnora, Charlie, Jesse, Walter, Luther, Arizona, Ira, George and Annie Freeman, Ella Cannon, Osa Freeman, and Mary, Clarence, Ethel and Cassie Thompson, and rejecting the application for the enrollment of Jerrie Freeman as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

COPY.

made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Enc. F-34

COPY.

Cherokee [illegible]
9-30-Cl2-14.

Muskogee, Indian Territory, September 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of John Freeman et al., including the Commission's decision dated July 1, 1903, granting the applications for the enrollment of John, Lettie, John Jr., Elnora, Charlie, Jesse, Walter, Esther, Arizona, Ira, George and Annie Freeman, Elias Cannon, Ina [illegible], and Mary, Clarence, Ethel and Jessie Thompson, and rejecting the application for the enrollment of Harris Freeman as Cherokee freedman.

Respectfully,

Tams Bixby,

Chairman.

Through the
Commissioner of Indian Affairs.

Enc. 1-36

(C O P Y)

LAND.

60028/1903.
66134/1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 29, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Department letter of October 3, 1903, (I.T. D/ 8245) there is enclosed herewith report from the Commission to the Five Civilized Tribes, dated September 16, 1903, transmitting the record relative to the application of John Freeman and others for enrollment as Cherokee freedmen.

With the letter above referred to the Department transmits to this office an appeal from the order of the Commission denying a motion on behalf of the Cherokee Nation to set aside the judgment of the Commission and grant a re-hearing of the case.

July 1, 1903 the Commission rendered a decision holding that most of the applicants in this case were entitled to enrollment as Cherokee freedmen. July 22, the attorney for the Cherokee nation filed the motion above referred to and asked for a re-hearing on the ground of newly discovered testimony.

In the motion which is a part of the record in the case it is alleged that the Cherokee Nation will be able to prove that John Freeman did not return to the Cherokee Nation prior to January 19, 1867, but that on the contrary he remained in

the State of Kansas until the latter part of 1868 or early in 1869. The nation expects to be able to prove this fact by Adam Wright and James Martin.

Inasmuch as the Cherokee Nation claims to be able to show that the principal applicant did not return to the Cherokee Nation until long after February 11, 1867, it is believed the Commission should have allowed the motion and granted a re-hearing.

The case has not been considered on its merits and the record and all papers relating thereto on file in this office are enclosed herewith and it is respectfully recommended that the whole case be returned to the Commission with directions to allow the motion of the Cherokee Nation to take further testimony in the case.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW/LM

5 enclosures.

(C O P Y)

D.C. 10885. F.C.

DEPARTMENT OF THE INTERIOR,

ITD 842-1904. WASHINGTON. WHR.

L. R. S. April 4, 1904.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 1, 1903, you rendered a decision in the Cherokee freedmen case of John Freeman and others in favor of most of the applicants.

July 2, 1903, the attorneys for the Cherokee Nation requested a rehearing in the case alleging newly discovered evidence and stating what they expected to prove by witnesses named.

July 27, 1903, you denied the motion stating that it was not shown that the Nation could not, by the exercise of reasonable diligence, have discovered and produced the evidence sought to be introduced at one of the several hearings in this case.

September 17, 1903, the attorneys "appealed" from this action of your Commission.

Submitting the case January 29, 1904, the Acting Commissioner of Indian Affairs recommended the Nation be given an opportunity to submit further testimony.

It is the desire of the Department to give the Nation reasonable opportunity to produce any evidence it may desire in

citizenship cases, and as it does not appear that the request in this case is unreasonable, the Department concurs in the recommendation of the Indian Office and hereby remands the case.

The testimony and papers attached thereto, and the motion of the Nation for rehearing, are inclosed, together with a copy of the Acting Commissioner's letter.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

3 inclosures.

Cherokee Freedmen
D 458

Muskogee, Indian Territory, May 7, 1904.

John Freeman,

Goodys Bluff, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself, wife and children, as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 1, 1903, granting, among others, your said application. The case is remanded on motion of the attorney for the Cherokee Nation in order that the Nation may have further opportunity to introduce testimony tending to show that you did not return to the Cherokee Nation within the time specified in the treaty of 1866.

In accordance with the Department's instructions, the attorney for the Cherokee Nation has this day been advised that he will be allowed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony as above indicated. You will be permitted to appear on that day and introduce such testimony as you may desire in rebuttal of that offered by the Nation.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 458, et al.,

Muskogee, Indian Territory, May 7, 1904.

Edgar Smith,

Attorney for John Freeman, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of John Freeman, et al., for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 1, 1903, on motion of the attorney for the Cherokee Nation for the reopening of this case, in order that the Nation may introduce further testimony tending to show that John Freeman did not return to the Cherokee Nation within the time specified in the treaty of 1866.

In accordance with the Department's letter, the attorney for the Cherokee Nation has this day been advised that he will be allowed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony as above indicated. The principal applicants have been advised that they will be permitted to appear on that date and introduce such testimony as they may desire in rebuttal of that offered by the Nation.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 458, et al.

Muskogee, Indian Territory, May 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of John Freeman, et al., for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 1, 1903, on your motion for the reopening of this case, in order that the Cherokee Nation may introduce further testimony tending to show that John Freeman did not return to the Cherokee Nation within the time specified in the treaty of 1866.

In accordance with the Department's letter, you are advised that the Cherokee Nation will be allowed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen
D-458, et al.

Muskogee, Indian Territory, June 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of John Freeman, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, rejecting said applications.

On April 4, 1904, the Department remanded this case for rehearing and readjudication.

Respectfully,

(SIGNED). Tams Bixby
Chairman.

Incl. S-42.

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee Freedman

D-458, et al.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of John Freeman, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. 3-41.

COPY.

Cherokee Freedmen

D-458.

Muskogee, Indian Territory, June 16, 1905.

John Freeman,

Coodys Bluff, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

Incl. S-35.
Register

COPY.

Cherokee Freedmen

D-456, et al.

Muskogee, Indian Territory, June 16, 1905.

A. S. McRoa,

Attorney for John Freeman, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of John Freeman, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-40.
Register.

COPY.

Cherokee Freedmen
D-458, D-459, D-460,
D-612, & D-614.

Muskogee, Indian Territory, July 13, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of John Freeman, et al., granting the applications for the enrollment of John, Nettie, John H., Elnora, Charlie, Jessie, Walter, Luther, Arizona, Ora, George, Annie and Osa Freeman, Eliza Cannon, and Mary, Clarence, Ethel and Bessie Thompson, and rejecting the application for the enrollment of Carrie Freeman, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Enc. H-116.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND:
47228-1905

July 3, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by John Freeman for himself, his wife, Nettie Freeman, and his minor children, John H., Minera, Charlie, Jesse, Walter, Luther, Arizona and Ora Freeman; by George Freeman for himself and wife, Carrie, and minor child, Annie Freeman; by Osa Freeman for himself; by Eliza Cannon for herself; and by Mary Thompson for herself and her minor children, Clarence, Ethel and Bessie Thompson.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that on July 1, 1903, the Commission rendered a decision favorable to all of the applicants herein except Carrie Freeman and denying her; that thereafter, on April 4, 1904 (I.T.D. 842-1904) the Department reopened the case and remanded the same for further proceedings.

The record shows that the applicant, John Freeman, his former wife, Margaret Freeman, deceased, and his present wife, Nettie Freeman were slaves of Cherokee citizens at the beginning of the war of the rebellion, were removed from the Cherokee Nation during the war and did not return and establish a residence therein on or before February 11, 1867; that the applicant, Carrie Freeman is a daughter of one John J. Rose, a non-citizen of the Cherokee Nation and one Emily Nolen, was born since the beginning of the war and possesses no rights to enrollment other than as a descendant of her parents; that on December 3, 1904, the Department approved the Commission's decision adverse to Emily Nolen; that all the other applicants herein were born since the beginning of the war, are descendants of John, Nettie and Carrie Freeman and Margaret Freeman, deceased, and possess no rights to enrollment other than as such descendants; that on September 23, 1904, the Department approved the Commission's decision adverse to George Thompson Jr., father of the applicants, Clarence, Ethel and Bessie Thompson.

None of the applicants is identified on the 1880 authenticated Cherokee roll or the Cherokee Census roll of 1896.

In view of the record the approval of the Commission's decision of June 16, 1905 adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M. (W)

D. C. 29153.
I.T.D.8060-1905.

J.F.Jr.

DEPARTMENT OF THE INTERIOR, LLB

L.R.S.

WASHINGTON.

July 6, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record, together with its decision dated June 16, 1905, in the matter of the applications for the enrollment of John Freeman et al. as Cherokee freedmen.

On July 1, 1903, the Commission to the Five Civilized Tribes rendered a decision in this case, in favor of most of the applicants.

On July 2, 1903, the attorneys for the Cherokee Nation requested a rehearing, alleging newly discovered evidence. This motion was denied by the Commission on July 27, 1903, for the reason that the nation had not exercised reasonable diligence in the filing of said motion. The attorneys for the nation appealed to the Department from the action of the Commission on September 17, 1903.

On April 4, 1904, the Department decided that the motion of the attorneys for the nation was reasonable and proper, and it accordingly remanded the case.

Reporting July 3, 1905, the Indian Office concurs in the decision of the Commission dated June 16, 1905. A copy of its letter is inclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for review of the Commission's decision in this case. Said motion has been duly considered in connection with the case.

The Department considers that the evidence brought forth upon the rehearing shows clearly that the applicants did not return to the Indian Territory within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al.

The decision of the Commission to the Five Civilized Tribes is therefore affirmed, and the applications for the enrollment of John Freeman, Nettie Freeman, John H. Freeman, Elnora Freeman, Charlie Freeman, Jesse Freeman, Walter Freeman, Luther Freeman, Arizona Freeman, Ora Freeman, George Freeman, Carrie Freeman, Annie Freeman, Osa Freeman, Eliza Cannon, Mary Thompson, Clarence Thompson, Ethel Thompson, and Bessie Thompson as Cherokee freedmen are denied.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

COPY.

Cherokee F.
D. 458.

Muskogee, Indian Territory, July 21, 1906.

John Freeman,

Coodys Bluff, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, your application for the enrollment of yourself, your wife, Nettie Freeman, and children, John H., Elnora, Charlie, Jesse, Walter, Luther, Arizona and Ora Freeman, as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 6, 1906, and that the motion for review of said decision, filed by your attorneys September 7, 1905, was denied by the Department on said date.

Respectfully,

Tams Bixby.
Commissioner.

LMC

Cherokee F.
D. 458 et al.

COPY.

Muskogee, Indian Territory, July 21, 1906.

Blue & Bulger,

Attorneys for John Freeman, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of John Freeman, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 6, 1906, and that the motion for review of said decision, filed by you September 7, 1905, was denied by the Department on said date.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

Tams Bixby.

Commissioner.

Incl.C-24
LMC

Cherokee F.
D. 458 et al.

COPY.

Muskogee, Indian Territory, July 21, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of John Freeman, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 6, 1906, and that the motion for review of said decision, filed September 7, 1905, was denied by the Department on said date.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

Tams Bixby.
Commissioner.

Incl.C-23
LMC

Cherokee Freedmen
D 258

Muskogee, Indian Territory, December 3, 1906

William J. Gilluly,

Nowata, Indian Territory.

Dear Sir:

This office is in receipt, by reference of the U. S. Indian Agent, of your letter of November 23, relative to the Cherokee freedmen enrollment case of John Freeman.

In reply you are advised that the records of this office show that the application of John Freeman for the enrollment of himself, his wife, Nettie Freeman, and their children, as Cherokee freedmen, was refused by the Secretary of the Interior July 6, 1906.

The Act of Congress approved April 26, 1906 (34 Stat., 137), in part provides:

> "...and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: . . "

It therefore does not appear that, under the provisions of the law above quoted , this office has any authority to entertain a motion for review or rehearing in this case.

Respectfully,

L K B

Commissioner

No. D 57

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of ..... A. D. 1901

Given under my hand this

day of ..... A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

.....day of EP 1 ....., 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the ..... day of A.D.1901

Subscribed and sworn to before me this ..... day of ..... A.D.1901.

Notary Public.

NOTICE!

IN THE MATTER OF the application of John Freeman for enrollment as a Cherokee citizen:

Case No. D 459—

To John Freeman or mellette Smith atty

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct 24/1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 1 1901

L B Bell

M W. Hastings

Attorneys for the Cherokee Nation.

E D

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of ....., 190

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

NOTICE!

IN THE MATTER OF the application of John Foreman for enrollment as Cherokee Freedmen:

Case No. F. D. 458

To John Foreman, Intermarried with wm

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 24th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8th day of February, 1902.

L B Bell

W. W. Hastings

Jas S Davenport

Attorneys for the Cherokee Nation.

F. D. 458

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190....

Given under my hand this .....

day of ..... A. D. 190...

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of 3-1 ....., 190 2

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190....

.....

Subscribed and sworn to before me

this .....

.....

Notary Public.

74

74458

FILED
MAR 3 1902

F. D. 158

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190...

Given under my hand this .....

day of ..... A. D. 190...

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of ..... 190...

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190...

.....

Subscribed and sworn to before me

1916 MISSION IO.....

.....

FI[illegible]D

APR 11 190[illegible] Notary Public.

ACTING CHAIRMAN.

FILED
11 1902

NOTICE!

IN THE MATTER OF the application of John Freeman,
for enrollment as Cherokee Freedmen:
Case No. F. D 453.
To [illegible] with his attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on [illegible] at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

R. B. Bell

N. N. Hastings

Jas. Davenport

Attorneys for the Cherokee Nation.

NO. F D458

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT, } ss.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ....., A. D. 190

.....

Subscribed and sworn to before me this

.....

.....
Notary Public.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the 24 day of May 1902

Mellette & Lincoln
Attorney for Applicant.

I the undersigned agent for the within named applicant, hereby accept service of the within notice on this the ..... day of 190

.....
Agent for Applicant.

NOTICE.

In the Matter of the application of John Freeman.
for enrollment as Cherokee citizens:

To John Freeman, or Mellette & Smith his attorneys,
Vinita, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May, 27, 1902, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May, 24, 1902.

L B Bell
W. W. Hastings
Jas S Davenport
Attorneys for the Cherokee Nation.

No. F D 458

Muskogee, I. T., Aug. 4, 1904.

Received of the Commission to the Five Civilized Tribes one copy of the testimony taken at Muskogee, Indian Territory, dated June 15, 1904, in the case of John Freeman, et al., F. D. 428 et al.

A. S. McRea
Attorney for applicants

F. D. 428

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of John Freeman et al, for enrollment as ~~a~~ Freedmen of the Cherokee Nation, one copy of the original testimony of June 1st, 1901.

McLette & Smith

Attorney for Applicants.

Cherokee F. #D458.

60028

Indian Office
Incl. No.

Department of the Interior,
RECEIVED.

842

22414

Ex. 458-9-30

CHEROKEE CASE No. 612-14

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

John Freeman et al
George "
Osa "
Eliza Cannon
Henry Thompson et al

As citizen of the Cherokee Nation.

Muskogee, I. T., 190

Respectfully forwarded to the Secretary of the Interior for review.

Acting Chairman.

Cher Fr R 902
Trans. from Cher Fr D 459

Cher Fr R 902

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 1st, 1901.

In the matter of the application of George Freeman for enrollmentof himself, wife and one child as Cherokee Freedman; said Freeman being sworn and examined by Commissioner T. B. Needles, testified as follws:

Q What is your name? A George Freeman.
Q What is your age? A 36.
Q What is your post office? A Ruby, Indian Terrtory.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled as a Freedman of any other Nation or tribe? A No, sir.
Q Who do you want to enroll? A I have got a child, and wife and she enrolled herself the other time and I don't know about it, she is not here.
Q You say then you apply for yourself your wife and one child?
A Yes, sir.
Q What is the name of your wife? A Carrie.
Q How old is she? A She is 28 years old.
Q What is the name of your child? A Annie Freeman.
Q How old is Annie? A Annie's nine years old.
Q What is your wife's father's name? A His name is John Rose.
Q Is he living? A Yes, sir.
Q What is her mother's name? A Emma Rose.
Q Is she living? A Yes, sir.
Q Are they Cherokee Freedman? A Yes, sir, she is her mother, Emma is a Cherokee Freedman.
Q Is her name upon the roll of 1880? A I don't think it is.
Q Is your name on the roll of 1880 ? A No, sir.
Q Your father's name is John Freeman? A Yes, sir.
Q Your mother's name? A Margaret Freeman.

BY MR. SMITH, of Firm of Mellette & Smith, Attorneys for Applicants:

Q Who is your father? A John Freeman.
Q He is the John Freeman who has just applied here for enrollment? A Yes, sir.
Q Who was your mother? A Margaret Freeman.
Q Where do you live? A I live at Ruby is my post office, live in Cooweescoowee.
Q How old are you? A 36 years old.
Q How long have you lived in the Cherokee Nation? A Been here ever since I can remember.
Q Whereabouts? A I lived with my father right there close to the Bluff on Salt Creek until about ten years age.
Q Your mother was not John Freeman's present wife, Nettie?
A No, that was his wife in the time of the war, when the war come up.
Q And her name was Margaret you say? A Yes, sir.
Q How long has she been dead? A I disremember, I was quit a small boy; I do know about it, I was a little fellow when she died.
Q Where did you marry your wife, Carrie? A At Elliott, right up on Hickory Creek, that's in Cooweescoowee District.
Q How did you marry, did you have a license? A No, sir, we didn't have any license to marry, we both citizens and got a preacher to marry.
Q Who married you? A Preacher Joe Smith.
Q Is anybody here knows you married? A John Rose.
Q Was John Rose present when you married? A Yes, sir.
Q Where is this preacher that married you, is he here?
A No, sir, the preacher ain't here.

Q Is he living? A Yes, sir.
Q Where is he living? A He lives up on the line some place close to Coffeyville.
Q Can you get a certificat from him that he married you and your wife? A Yes, sir, I could get witnesses though right here.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authentifsated Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.
The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and applicants nmames found thereon as follows:
Page 123, #3068, George Freeman, Cooweescoowee District.
Page 146, #3624, Carrie Freeman, nee Rose, Cooweescoowee District.

BY COM'R NEEDLES:

Q Did you draw any money for Annie? A No, sir, she was three years old then and her name was lost from some cause or another.

BY MR. SMITH:

Q Are you on the Wallace roll? A I was not on the Wallace Roll but I got the money at last, I got papers.
Q You say you drew money? A Yes, sir, I got money about a year or something afterwards.
Q Where did you get these papers (papers shown to applicant)?
A I got them from the Department.

The Wallace Roll of Freedman of the Cherokee Nation examined and names of applicants found thereon as follows:
Pat5 183, #3356, George Freeman, no district given.
Page 137, #2862, Carrie Rose, Cooweescoowee District.

BY COM'R NEEDLES:

Q You have always livedin the Cherokee Nation have you?
A Yes, sir.
Q Have you any proof of brith of this child made out?
A No, sir, I thought maybe it was on the roll.

COM'R NEEDLES: -George Freeman applies for the enrollment of himself, his wife, Carrie, and his child, Annie: Upon examination of the roll of 1880 the name of George Freeman and his wife, Carrie, cannot be found. They are duly identified upon the Kern-Clifton roll and upon the Wallace roll. His wife, Carrie, being found upon the Wallace roll by the name of Carrie Rose, Rose having been her maiden name. The name of his child, Annie, can ot be found upon any roll. In this connection reference is made to the application of his father, John Freeman, who was listed for enrollment as a Cherokee Freedman this day upon D. Card #458, and the testimony in said case will be made part of the record in the case at bar, and copy of the testimony will be filed in the case now being taken. The applicant, his wife, Carrie, and his child, Annie, will be listed for enrollment as Cherokee Freedmen upon a doubtful card for the further consideration of the Commission. The applicant will be noti ied as to the result of the Commission when arried at. It will be necessary for him to file satisfactory proof as to the brith of his child, Annie, whose name does not appear upon any of the rolls.

George Freeman; et al.--2.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 4th day of June, 1904.

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 1 1901

Date

Post Office Tahlequah I.T.

District Cherokee

1. Name Lucy Freeman Age 36

Citizenship

Owner's name

Year Page 143 No. 3068 District Cherokee

Parents:

Father Tom Freeman living Citizenship Cherokee

Mother Margaret Freeman " Citizenship "

2. Name of wife Carrie Freeman Age 28

Citizenship

Owner's name

Year Page 146 No. 3674 District Cherokee

Parents:

Father Tom Rose living Citizenship Cherokee

Mother Emma " " Citizenship "

Names of Children:

3. Annie Freeman Year Page No. Dist. 9

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Stenographer J. O. Rosson

Application made by No 1

No 1 on Mallace Roll C. 183 No 3356, ~~Cherokee District~~ (no dist.)
No 2 " " " C. 137 No. 2867, Cherokee. Dist. Tahlequah Rosl.
No 3 Birth certificate required
Represented by Mitchell & Smith Lindsay, I.T.

Transfer to D458

COMMISSION TO TH

To be filed with case of George Freeman, C. F. D.#459.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 1st, 1901.

In the matter of the application of John Freeman for the enrollment of himself, wife and seven children as Cherokee Freedmen; said Freeman being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Mr. Smith, of Firm of Mellette & Smith, Attorneys for Applicants;
Mr. L. B. Bell, Cherokee Representative:

Q What is your name? A John Freeman.
Q How old are you? A I am about between 60 and 65 I guess.
Q What is your postoffice address? A Coody's Bluff.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q who do you want to enroll besides yourself? A My wife and nine children.
Q Have you got nine children under 21 years of age? A Yes, sir.
Q What is your wife's name? A Nettie Freeman.
Q How old is Nettie? A She is about 45, I believe, somewheres along there.
Q Now, give me the names of your children? A That gentleman there has got the ages.
Q John Henry, is that right, 20 years old? A Yes, sir; Elnora.
Q How old is Elnora? A 18; Charlie.
Q How old is Charlie? A 16.
Q The next one? A Jesse Freeman, 14; Walter, about nine; Luther, six, Arizona, two.
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is your wife's name on the roll of 1880? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A It is on the Wallace roll and Clifton roll.

By Mr. Smith: Mr. Freeman, were you a slave? A Yes, sir.
Q To whom did you belong? A I belonged to George Freeman until he died and then I belonged to his widow, Jane Freeman.
Q Were they Cherokee persons? A Yes, sir, his wife was.
Q Jane Freeman was a Cherokee Indian? A Yes, sir.
Q Where were you when the war commenced? A I was in Going Snake.
Q Did you go out of the Cherokee Nation during the war?
A Yes, sir.
Q What time did you come back to the Cherokee Nation after the war?
A Well, sir, I come back in the fall of '66.
Q What was Nettie's name, your wife, Nettie, before you married her?
A Nettie Dannenberg.
Q Did you know her before the war? A Yes, sir.
Q To whom did she belong? A Nathan Dannenberg.
Q Was Dannenberg a Cherokee Indian? A No, sir, he was a white man, he had Indian family.
Q Who was his wife? A Christie McPherson.
Q She was an Indian A Yes, sir.
Q Where did the Dannenbergs live and where did Nettie live before the war? A They lived in about four mile of Evansville, I don't know whether it was north or south.
Q Was it in the Cherokee Nation? A Yes, sir.
Q Did she go out during the war? A She went out when I did and come back when I did.
Q Where did you come to when you came back to the Cherokee Nation?
A Came on Salt Creek.
Q Who came back with you? A Why I come down here first with these Whitmire boys and I put me up a wall of a house and then I left them to make boards to cover it, and then I went back and got my family.

Q When did you come back? A It was in the fall of '66; because I heard this limited time and I went there and got my folks and come back.
Q Where did you bring your family to when you came back?
A I fetched them to Salt Creek.
Q That is in the Cherokee Nation is it? A Yes, sir.
Q Where have you been living ever since that? A I have been living right there ever since.
Q Have you and your wife, Nettie, been living together ever since you were married? A Yes, sir.
Q Is Nettie the mother of these children whose names you have given, John, Henry, Elnora, Charley, Jesse, Walter, Luther and Arizona? A Yes, sir.
Q Have all these children been born since you and Nettie have been married and living together as man and wife? A Yes, sir.
Q Have you voted in the Cherokee elections? A Yes, sir; I have been there and I never did get to vote except the first year after the war; they let met vote and they never did let me vote any more.
Q You have some older children outside of the ones you have named here, have you? A Yes, sir, my first wife did.
Q Have you any children by Nettie outside of those seven that you have named? A Yes, sir.
Q What was their names? A Ocie and Mary.
Q They are over 21 years of age? A Yes, sir.
Q Have you any other children by your first wife? A I have got two.
Q What are their names? A George and Eliza.
Q Has Eliza been married? A Yes, sir.
Q What is her married name? A Eliza Cannon; but she and her man have parted and I guess it is Eliza Freeman yet.
Q You don't know what name the Court gave her? A No, sir.
Q Are these children all living with you and your wife, Nettie, those from John Henry down? A Yes, sir.
Q Where does Oce and Mary live? A Mary is living with me now, but she has not got any man, and Oce lives right on Salt Creek, right south of me about a couple of miles.
Q Did these two older children, Oce and Mary, live with you up to the time they got married? A Yes, sir.
Q Has Mary ever been married? A Yes, sir.
Q She is living with you again though now? A Yes, sir.
Q Oce is married and has a family? A Yes, sir, he has got a wife that is all.

By Mr. Bell: When did that Mary marry? A Married, she has been married, I don't know exactly, she has got three children, four or five years old.
Q Where has she lived all the while she was married? A She lived down the other side of Hayden.
Q Didn't John go to Kansas? A No, sir.
Q Did you and your wife both belong to the Dannenbergs?
A No, sir, I belonged to Jane Freeman.
Q Your wife belonged to Dannenberg? A Yes, sir.
Q Where do they live, the Dannenbergs? A They lived in about five miles of Evansville, close to the Dutch Town.
Q Up there on the line? A Yes, sir.
Q When did you marry your present wife? A My eldest child is about 23 or 24 years old I think; me and her had been living together I never got any; we never was married until here since this here law has been passed.
Q Well, you and her married since the war? A Yes, sir.
Q Where at? A We married at home.
Q Well at home? A Up here on Salt Creek.
Q Well where did you and het take up together and begin to live together? A There on Salt Creek.

Q 24 or 25 years ago? A Yes, sir, maybe longer, maybe 25 years I can't recollect.
Q Now your first wife did you bring her down here with you when you moved down? A Yes, sir.
Q She was alive? A Yes, sir; she is dead now.
Q Was she alive when you took up with? A No, sir.
Q She was dead? A Yes, sir.
Q You say she belonged to old man Dannenberg? A Yes, sir.
Q Where was she during the war? A She went to Kansas with me.
Q Was she married even before she married you? A No, sir.
Q This is present wife? A Yes, sir.
Q I ask you is you and this present wife went to Kansas together? A Yes, sir, the one I have got now was a small girl when she went to Kansas.
Q Did you bring her back? A Yes, sir.
Q Bring this present wife you have got? A Yes, sir.
Q She was in your family was she? A Yes, sir.
Q Well, now, let me understand you, your present wife is named Nettie? A Yes, sir.
Q She was in your family and went to Kansas with you? A Yes, sir.
Q And you brought her back when you moved back from Kansas?
A Yes, sir.
By Mr. Smith: Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1898 census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 125, #3060, John Freeman, Cooweescoowee District.
(Applicant's wife not identified on Kern-Clifton roll.)
Page 123, #3062, John Freeman, Cooweescoowee District.
Page 123, #3063, Elnora Freeman, Cooweescoowee District.
Page 123, #3064, Charles Freeman, Cooweescoowee District.
Page 123, #3065, Jesse Freeman, Cooweescoowee District.
Page 125, #3066, Walter Freeman, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon, as follows:
Page 113, #2380, Nettie Freeman, Cooweescoowee District.
Page 113, #2381, John Freeman, Cooweescoowee District.
Page 113, #2384, John H. Freeman, Cooweescoowee District.
Page 113, #2385, Elsemer Freeman, Cooweescoowee District.

By Com'r Needles: Why is your name and your wife's name not on the roll of 1880, do you know? A No, sir, I don't tell; they come to my house and marked something but I can't tell.
By Mr. Bell: Who moved down here with you from Kansas?
A I went to fetch.
Q Oh, well, when you brought your family? A No one but a white man I got him to haul a load down here and I don't know what become of him.
Q And you came along you and your family? A Yes, sir.
Q Who did you come with on your first trip? A Mose Whitmire and Mr. Wright, old man Wright, and I don't know how many.
Q Who do you call old man Wright, old Major? A Yes, sir.
Q You didn't come along with Sam Webber then? A I didn't come that time with him; they all come down pretty much in a bunch, and I didn't know who all was in the crowd, Sam Webber didn't.
Q You come along with old Major Wright was it? A I think he was in the crowd.

Q 24 or 25 years ago? A Yes, sir, maybe longer, maybe 25 years I can't recollect.
Q Now your first wife did you bring her down here with you when you moved down? A Yes, sir.
Q She was alive? A Yes, sir; she is dead now.
Q Was she alive when you took up with? A No, sir.
Q She was dead? A Yes, sir.
Q You say she belonged to old man Dannenberg? A Yes, sir.
Q Where was she during the war? A She went to Kansas with me.
Q Was she married ever before she married you? A No, sir.
Q This is present wife? A Yes, sir.
Q I ask you is you and this present wife went to Kansas together? A Yes, sir, the one I have got now was a small girl when she went to Kansas.
Q Did you bring her back? A Yes, sir.
Q Bring this present wife you have got? A Yes, sir.
Q She was in your family was she? A Yes, sir.
Q Well, now, let me understand you, your present wife is named Nettie? A Yes, sir.
Q She was in your family and went to Kansas with you? A Yes, sir.
Q And you brought her back when you moved back from Kansas? A Yes, sir.

By Mr. Smith: Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 123, #3060, John Freeman, Cooweescoowee District.
(Applicant's wife not identified on Kern-Clifton roll.)
Page 123, #3062, John Freeman, Cooweescoowee District.
Page 123, #3063, Elnora Freeman, Cooweescoowee District.
Page 123, #3064, Charles Freeman, Cooweescoowee District.
Page 123, #3065, Jesse Freeman, Cooweescoowee District.
Page 123, #3066, Walter Freeman, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 113, #2386, Nettie Freeman, Cooweescoowee District.
Page 113, #2381, John Freeman, Cooweescoowee District.
Page 113, #2384, John H. Freeman, Cooweescoowee District.
Page 113, #2385, Eleanor Freeman, Cooweescoowee District.

By Com'r Needles: Why is your name and your wife's name not on the roll of 1880, do you know? A No, sir, I dan't tell; they come to my house and married something but I can't tell.

By Mr. Bell: Who moved down here with you from Kansas?
A I went to fetch.
Q Oh, well, when you brought your family? A No one but a white man I got him to haul a load down here and I don't know what become of him.
Q And you come along you and your family? A Yes, sir.
Q Who did you come with on your first trip? A Mose Whitmire and Mr. Wright, old man Wright, and I don't know how many.
Q Who do you call old man Wright, old Major? A Yes, sir.
Q You didn't come along with Sam Webber then? A I didn't come that time with him; they all come down pretty much in a bunch, and I didn't know who all was in the crowd, Sam Webber didn't.
Q You come along with old Major Wright was it? A I think he was in the crowd.

Q Try to go by what you know was; you just now said he was in the crowd? A I think he was in the crowd, I know Mose was in the crowd, and Lewis Whitmire and Denniw, because I ~~x~~ hauled loads for them when I come down the first time and put up my house.
Q When was that? A It was in '66.
Q What time of the year? A It was in the fall.
Q You come the first time in the fall? A Yes, sir.

LEWIS WHITMIRE, being first duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:
Q State your name? A Lewis Whitmire.
Q Where do you live, Mr. Whitmire? A I live on Lightning Creek.
Q What is your post office? A Hayden.
Q How old are you? A About 62 I guess.
Q How long have you lived in the Cherokee Nation? A Why I have been born, living there ever since I was born.
Q Do you know John Freeman here who is the applicant in this case?
A Yes, sir, I have been acquainted with him for a good while.
Q Did you know him before the war? A Yes, sir; I knowed him before the war.
Q To whom did he belong? A He belonged to Jennie Freeman and George Freeman.
Q Were they citizens of the Cherokee Nation, Cherokees?
A Yew, sir, they were citizens of the Nation.
Q Where was John Freeman when the war broke out?
A He was living with his Mistress when the war broke out.
Q Whereabouts? A Up in Goingsnake near the ling of Flint; I don't know where the lines is there, but he was living right on the line.
Q In the Cherokee Nation? A yes, sir.
Q Do you know Nettie Freeman? A Yes, sir.
Q Is she John Freeman's wife? A Yes, sir.
Q How long have they been living together as man and wife?
A I don't know exactly when they married.
Q Has it been a short time or good many years? A It has been a good many years according to the family they got.
Q Did you know Nettie before the war? A Yes, sir, I knowed Nettie ever since she was a baby.
Q To whom did she belong? A She belonged to Dannenberg, and his family; Fox Dannenberg and Dick Dannenberg; that is the family she belonged to.
Q Were they Cherokees? A Yes, sir.
Q Where was Nettie when the war commenced? A Nettie was living at Dannenberg's until her mother taken her away.
Q Did you go out of the Cherokee Nation during the war yourself?
A I went out a little while, but I was driving a team from Gibson to Fort Smith and back again all around through the country.
Q Are you on the 1880 roll? A Yes, sir.
Q Are you a freedman citizen? A Yes, sir.
Q When did you first see John Freeman in the Cherokee Nation after the war? A Why I seen him on the road up here on Big Creek, moving, coming to this place.
Q When was that? A That was in the fall of '66, I can't date the time.
Q It was in the fall of '66? A Yes, sir.
Q When did you first see Nettie? A Nettie was with him at that time.
Q Who else was along? A Nettie's mother and her whole host of them, I could not tell you how many, I didn't count them and it has went out of my mind how many there was.
By Mr. Bell: What become of him after you saw him in '66, didn't settle with you did he? A He settled about seven miles from me, the place where I am living now.

Q Who was with him when you saw him? A His wife and family and a whole host of there folks, I could not tell you who all now.
Q Big Crowd of them was there? A Yes, sir, big crowd of them scattered all along the road.
Q That was when he moved his family down? A Yes, sir.

MOSE WHITMIRE, being first duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith:
Q State your name, Mr. Whitmire? A Mose Whitmire.
Q What is your post office? A Hayden.
Q How long have you lived there? A Oh, I have lived there 30 some odd years or over.
Q How long have you lived in the Cherokee Nation? A All my life/
Q Are you on the 1880 roll? A Yes, sir.
Q You are a Cherokee freedman? A Yes, sir.
Q Do you know this applicant here, John Freeman? A Yes, sir, I know him.
Q How long have you known him? A Oh, I have knowed him I guess nearly 40 years.
Q Did you know him before the war? A Yes, sir.
Q Do you know who he belonged to? A Yes, sir.
Q Who? A George Freeman.
Q Who was George Freeman's wife? A Why she was.
Q Do you remember her name? A I remember her name, her name was Jennie.
Q Was she a Cherokee Indian? A Yes, sir, she was Cherokee Indian.
Q Where was John Freeman at the time the war broke out?
A He was living right there where he is living.
Q Where was that? Q In Going Snake near the line.
Q Did you know John Freeman's wife, Nettie Freeman? A Yes, sir.
Q How long have you known her? A Well, I have known her for a good many years; ever since I have known him almost; not ever since I have known him but ever since she was a little girl.
Q Did you know her before the war? A Yes, sir.
Q Whom did she belong to? A Dunndenberge; I used to work there, threshing wheat and she was a little girl and knowed her ever since.
Q Where was she living when the war broke out?
A She was living there near the line.
Q When did you first see John Freeman after the war in the Cherokee Nation? A Why John Freeman come down in the fall of '66; well we come down as much as three times, I guess; come down in August, then in the fall again and in December moved.
Q You say he come down with you? A Yes, sir.
Q Did he bring his family A He come down and built a house and went back and got his family.
Q When did he go back and get his family? A In the fall I guess, in the fall or November.
Q Fall of what year? A '66.
Q When did you first see Nettie, John's wife, after the war?
A Down here you mean?
Q Yes. A He brung her with him.
Q Where did you all come to? A Salt Creek.
Q At what point on Salt Creek? A What point?
Q Yes, whereabouts on Salt Creek? A Where we are living now.
Q Have you known John Freeman since that time? A Yes, sir, I have known him.
Q Where is he living now? A Here on Salt Creek, right where he first lived.
Q Was he and Nettie living together? A Yes, sir.
Q Do you know their children? A Yes, sir.
Q Could you name them all? A Oh, I could not name them exactly I guess, I never paid any attention to children; I know the children when I see them.

Q Have they lived together in the Cherokee Nation since '66?
A Ever since they have been born.
Q How far do they live from you? A It is about six or seven mile.
By Mr. Bell: Well, you say you made three tripw down here when did you make the first one? A Made it in August.
Q When was your second trip? A The second trip was in the summer, in August, the Summer of '66, again in the fall I mean.
Q What month? A Along in November.
Q When did you make the third trip? A December.
Q Now, which one of these trips did John Freeman come with you?
A He come in both the last trips, December and November.
Q Well come with you in December and November? A Yes, sir, hauled some thins down here for me when we come down and built in November.
By Com'r Needles: You are a recognized citizen of the Cherokee Nation? A Yes, sir.
Q On the roll of 1880? A Yes, sir; I would like to enroll now.
Q You and Freeman come together? A Yes, sir.
Q Been living here since together? A Yes, sir.

COM'R NEEDLES:--John Freeman applies for the enrollment of himself, hiw wife, Nettie, and seven children. Upon examination of the records of the roll of 1880 the name of John Freeman and his wife, Nettie, cannot be found. He is duly identified upon the Kern-Clifton roll and Wallace roll. His wife Nettie is identified upon the Wallace Roll. The names of his children, John Henry, Elnora, Charlie, Jesse and Walter, are identified upon the Kern-Clifton roll. He avers that he has two younger children, Luther and Arizona, whose names do not appear upon the roll, having been born after the roll was compiled. They are all duly identified and make satisfactory proof as to residence. By reason of the fact that the names of John Freeman and his wife do not appear upon the authenticatedroll of 1880 and protest of the Cherokee Nation, said John Freeman and his wife, Nettie, and children, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. He will be notified of the decision of the Commission when made, and it will be necessary for him to file satisfactory proof as to the birth of his two younger children, Luther and Arizona.

---oooOOOooo---

J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 21st of August, 1901.

Commissioner.

(C O P Y)

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1st, 1901.

In the matter of the application of John J. Rose for the enrollment of himself as intermarried Cherokee Freedmen; and two children as Cherokee Freedmen; he applying as intermarried; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith of Mellette & Smith for applicant.
Mr. L. B. Bell, for Cherokee Nation.

Q What is your name? A. John J. Rose.
Q What is your age? A. About 55.
Q What is your postoffice? A. Lenapah, Indian Territory.
Q What district do you live in? A. Cooweescoowee District.
Q You apply to be enrolled as a Cherokee Freedman? A. No sir, as intermarried adopted.
Q Who do you want to enroll besides yourself? A. Two little boys Robert Rose.
Q How old is Robert? A. About 15 years old
Q What is the next child's name? A. James Rose.
Q How old is James? A. James is about 12.
Q Are you married? A No sir, I am a widower.
Q Your wife not living? A. Yes sir, she is living, we was divorced.
Q What is the mother's name of these children? A. She is married again.
Q Who has got these children? A I have got them in custody.

Examined by Attorney Smith.

Q What was your wife's name when you married her? A. Emily Dannenberg.
Q Have you a witness here who knew as to whom she belonged? A. Yes sir.
Q Did you know her during the war yourself? A. No sir.
Q You can't state from your personal knowledge who she belonged to? A. No sir.
Q Nor where she was during the war? A. No sir, I never got acquainted with her until after the war.
Q When did you get acquainted with her? A. In the fall of '65, near the close of the war.
Q Where was she? A. At Lawrence Kansas.
Q In '65? A. Yes sir.
Q How long did you stay in Lawrence after that? A. I lived in Lawrence about,--let me see,-- about three years, I think it was '68, when I left there.
Q Did she leave Lawrence? A. She left Lawrence in the fall of '66 the next year after the war closed.
Q Did she make any statement as to where she was going? A. She was coming to the Nation with her mother.
Q Where did you marry her? A. I married her in Lawrence, Kansas, the first time I married her, and I married her the second time in the Indian Territory.
Q How did you marry her in the Territory, under what law? A. Under the Cherokee law.
Q Have you got the certificate? A. I have got a certified copy

John J. Rose et al.--#2.

(Produces papers)
Attorney Smith: I desire to offer a certified copy of a certificate of his marriage t his wife, issued by the clerk of Cooweescoowee District.(hands paper to Cherokee Rep've Bell, who examines it.)

Com'r. Needles: The applicant presents a certified copy of marriage certificate that he was married according to the laws of the Cherokee Nation on the 28th day of September, 1880, marriage license issued in '74, 28th of December; and married by Samuel Webber, Minister of the Gospel, 28th of September 1880, to Emily Dannenberg.

Examined by Attorney Smith:

Q Have you ever been recognized as a citizen of the Cherokee Nation? A. Yes sir, I have been recognized, the rights to vote.
Q Have you voted in the Cherokee elections? A. Yes sir.
Q Have you had any permits issued to you? A I don't think I ever applied; yes I have, but I have no copies of them.
Q You have had permits issued to you? A. Yes sir.
Q About when do you recall? A. It has been 14 or 15 years ago, I never paid any attention to it.
Q Did you ever have any law-suits in the Cherokee courts? A. One, yes sir.
Q Who did? A. Ben Curlyhead, Delaware citizen.
Q In what court? A. Civil court it was then, held at Dog creek, Cooweescoowee District.

Cherokee Rep've Bell: I object to the introduction of this evidence, for the reason that it is not the best; the records could be obtainable, or showing ought to be made that they are not obtainable.

Com'r. Well, go on.

By Attorney Smith:

Q Well, now Mr. Rose, where do you live now? A. I live here--five miles north of Lenapah, Cooweescoowee District, Cherokee Nation.
Q Are these two children, Robert and James, living with you? A. Yes sir, when I am at home they are.
Q Are these children on any of the rolls? A. Yes sir.
Q Robert and James, what rolls? A. They are both on the Kerns-and Clifton roll, and I think one of them is on the Wallace roll, I am not positive.
Q How old is Robert? A. 14, going on 15.

Kerns-Clifton roll of citizens of the Cherokee Nation examined for applicant's children and identified page 146 # 3619, Robert Rose, Cooweescoowee District.
page 146 #3621 Jim Rose, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicants not identified thereon.

Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicant's former wife, identified as follows: page 146 #3613 Emily Rose, Cooweescoowee District.

John J. Rose et al.--#3

Examined by Cherokee Representative L.B. Bell:

Q You don't claim anything but intermarried rights? A. No, and the right to enroll these children.
Q When did you marry Emily Dannemberg first? A. First time I married her I think it was in 1867, along in June.

FURTHER TESTIMONY IN THIS CASE TAKEN BY STENOGRAPHER CHARLES VON WEISE.

M.D.Green, being first duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) M. D. Green

Subscribed and sworn to before me this June 5th 1901.
(signed) T. B. Needles
Commissioner

June 1st, 1901. CONTINUATION of the above.

By Chas. Von Weise. Steno.

Harry Still being sworn by Com'r. Needles, as a witness for the applicant testifies as follows:

BY Mr. SMITH:

Q What is your name? A Harry Still.
Q What is your post office address? A. Hayden.
Q How long have you lived in the Cherokee Nation? A. About 54 years.
Q How old are you? A. About 54 years old.
Q Did you know Euma Rose or a woman who was the wife of John J. Rose? A. Yes sir.
Q What was her name before she married Rose? A. Dannenberg.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. Dick Dannemberg.
Q Was he a Cherokee citizen? A. Yes sir.
Q Where was Euma Dannenberg when the war broke out? A. She was living with her mater then.
Q Where? A. In Flint.
Q In the Cherokee Nation? A. Yes sir.
Q Do you know if she was taken out of the Cherokee Nation during the war? A. Yes sir.
Q Did she come back after the war? A. Yes sir.
Q When did she come back? A. In the fall of '66 long about the 1st part.
Q Who came back with her? A. She came back with her mother, sister, brother, me, my mother, my sister, Reed Whitney.
Q Where did you come to? A. Come to Lightning Creek
Q How old was Euma at that time? A. Her and jane was both good sized girls--young ladies.
Q Who was their mother? A. Tilda Dannenberg
Q Where did they locate when they came? A. Stopped at a place now known as Hayden.
Q And where is this woman Euma now?

A. She is livin: about 3 miles from Hayden in what is known as the Jim Martin settlement.
Q Where does John Rose live? A Some six miles from Lenapah.
Q How long has he lived there? A. The first time I saw those people I can't exactly fix the date, it was on California creek over 20 years more than that, must have been in 75 or 76.

By Mr. Bell:

Q Was this Tilda Dannenberg married? A. No sir, she was a widow
Q Where did she settle? A. Near what is Hayden now.
Q How long did she live there? A. 5 or 6 years.
Q And kept these children with her? A. Not all the time.
Q How long did she have them? A. 2 or 3 years when she first came there.
Q I mean Emma Rose--I am speaking of John J. Rose' wife? A. That is Em---she kept Jim with her all the time.
Q I am speaking of John J. Rose' wife? A. That is who I mean.
Q When did you come back to this country? A. That first time.
Q Yes sir. A. In '65.
Q And then you came back again? A. Yes sir.
Q In '65? A. Yes sir.
Q Are you on the 1880 roll? A. I am a citizen all right and was admitted at Vinita.
Q Are you on the roll of 1880? A. I said I was a citizen all right.
Q Who came back besides your family? A. Reed Whitney, Joe King, Andy Rider.

Lewis Whitmire, called and sworn as a witness for the applicant.

By Mr. Smith:

Q What is your name? A. Lewis Whitmire.
Q Where do you live? A. Hayden, I.T. on Lightning Creek
Q How long have you lived in the Cherokee Nation? A. Never lived out of the Cherokee Nation.
Q Do you know John Rose? A. Yes sir.
Q How long have you known him? A. I have known him about 25 years
Q Do you know his wife, Emma? A. Yes sir.
Q Who did she belong to before the war? A Mr. Dannenberg and his family.
Q Were they Cherokee citizens? A. Yes sir.
Q Where did they live? A. I can't tell exactly if it was in Flint or Goingsnake, 2 or 3 miles from the line.
Q How big was she when she came back? A. I don't recollect how big but she was a small girl when the war commenced.
Q She was out of the Cherokee Nation when the was was going on was she? A. Yes sir, I guess so.
Q Where did you first see her after the war? A Her mother was at the old Harry Still place up on Lightning creek.
Q When did you first see her----with her mother? A. Some time in the winter of '66.
Q Did you know who she was with? A. With her mother.
Q Did you come back to this country the same time Harry Still did or not? A. No sir, I came down same summer though.
Q Do you know who brought this woman and these children to the Cherokee Nation? A. No sir.
Q How long did you continue to see them up around there? A. They were there 5 or 6 weeks, taken a claim there, it was cold weather, they got dissatisfied, and gave it up.
Q Where did you next see them? A. On Goose neck Bend, I was up there to the Chief election up there and seed them.

John J. Rose--#4.

A. She is living about 8 miles from Hayden in what is known as the Jim Martin settlement.
Q Where does John Rose live? A Some six miles from Lenapah.
Q How long has he lived there? A. The first time I saw those people I can't exactly fix the date, it was on California creek over 20 years more than that, must have been in 75 or 76.

By Mr. Bell:

Q Was this Tilda Dannenberg married? A. No sir, she was a widow
Q Where did she settle? A. Near what is Hayden now.
Q How long did she live there? A. 5 or 6 years.
Q And kept these children with her? A. Not all the time.
Q How long did she have them? A. 2 or 3 years when she first came there.
Q I mean Emma Rose--I am speaking of John J. Rose' wife? A. That is Em---she kept Jim with her all the time.
Q I am speaking of John J. Rose' wife? A. That is who I mean.
Q When did you come back to this country? A. That first time.
Q Yes sir. A. In '65.
Q And then you came back again? A. Yes sir.
Q In '65? A. Yes sir.
Q Are you on the 1880 roll? A. I a a citizen all right and was admitted at Vinita.
Q Are you on the roll of 1880? A. I said I was a citizen all right.
Q Who came back besides your fa ily? A. Reed Whitney, Joe King, Andy Rider.

Lewis Whitmire, called and sworn as a witness for the applicant.

By Mr. Smith:

Q What is your name? A. Lewis Whitmire.
Q Where do you live? A. Hayden, I.T. on Lightning Creek
Q How long have you lived in the Cherokee Nation? A. Never lived out of the Cherokee Nation.
Q Do you know John Rose? A. Y es sir.
Q How long have you known him? A. I have known him about 25 years
Q Do you know his wife, Emma? A. Yes sir.
Q Who did she belong to before the war? A Mr. Dannenberg and his family.
Q Were they Cherokee citizens? A. Yes sir.
Q Where did they live? A. I can't tell exactly if it was in Flint or Goingsnake, 2 or 3 miles from the line.
Q How big was she when she came back? A. I don't recollect how big but she was a small girl when the war commenced.
Q She was out of the Cherokee Nation when the was was going on was she? A. Yes sir, I guess so.
Q Where did you first see her after the war? A Her mother was at the old Harry Still place up on Lightning creek.
Q When did you first see her----with her mother? A. Some time in the winter of '66.
Q Did you know who she was with? A. With her mother.
Q Did you come back to this country the same time Harry Still did or not? A. No sir, I came down same summer though.
Q Do you know who brought this woman and these children to the Cherokee Nation? A. No sir.
Q How long did you continue to see them up around there? A. They were there 5 or 6 weeks, taken a claim there, it was cold weather, they got dissatisfied, and gave it up.
Q Where did you next see them? A. On Goose neck Bend, I was up there to the Chief election up there and seed them.

John J. Rose -#5.

Q Have you ever been to the Rose house at Lenapah? A. No sir.

By Bell:

Q How far from the Harry still place do you live? A Just a short mile just like going from here over in town.
Q That was in 1866 that you say you was over there and saw these people. A. Yes sir.
Q How long did Em Rose stay there with her mother? A. I just saw them there a short time.
Q About how long? A. 5 or 6 weeks.
Q Where did she go then? A. I don't know where she went, the next I heard of them was that they had a place up near Lenapah, I has never been to their place there, don't know where it is.
Q You know that they lived up near Lenapah though? A. Yes sir

John Landrum called and sworn as a witness for the applicant:

By Mr. Smith:

Q What is your name? A. John Landrum.
Q Where do you live? A. On Lightning Creek.
Q What is your postoffice? A. Hayden.
Q How long have you lived there? A. 30 years.
Q How long haveyou lived in the Cherokee Nation? A. I was birthed here and raised here.
Q Do you know Emma Rose who was the wife of John Rose? A. Yes sir I am slightly acquainted with her.
Q Did you know her before the war? A. Yes sir, I saw her a time or two.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. The Dannenbergs.
Q Where was she when the war came up? A. In Flint district
Q When did you first see her in the Cherokee Nation after the war? A. On Lightning Creek.
Q When? A. Fall of '66.
Q Who was she with? A. Her mother Tilda.
Q Do you know how long they staid in that neighborhood? A. I think they must have staid there 4 or 5 years as near as I can recollect.
Q How far is it from where you saw them to Lewis Whitmire's? A. 2 miles northeast.

By Bell:

Q You say you knew Em Rose before the war? A. Yes sir I saw her
Q About what size was she when the war came up? A. Small.
Q 4 or 5 years old? A. I don't know, I was small myself.
Q About what age was she? A. Might have been 7 or 8 I don't know.
Q Where did you see her before the war? A. Where they lived on Flint.
Q Where did you live at that time? A. On Spavinaw, this side of Mayesville.
Q How far from Mayesville did they call it? A. About 12 miles, on the Military road right on Spavinaw, the Jess Buffington place is where I was raised.
Q How far was that from the Dannenberg place? A. It was a long ways.
Q How old are you Jack? A. 59 as near as I can come.
Q What was you doing there at the Dannenburg place at that time? A. My master carried me up there.

John J. Rose--#6.

Q When was that? A. That was a long before the war came up.
Q Well how long before the war came up? A. I can't tell exactly, it was not so long beforethe war came up though.
Q Who was your master? A. At that time I belonge to Jim.
Q Jim Landrum? A. No sir, Jim Musrat they called him.
Q What was he doing there at the Dannenburg place? A. On business I guess.
Q Selling some of you? A. No sir, not exactly, I don't know, I never was sold in my life.
Q How many days did it take you to go up there from where you lived? A. 2 or 3 days or more in wagons.
Q How long did you stay there after you got there? A. 2 or 3 days
Q Can you tell close to where they lived in Flint? A. No sir, I can't.
Q You got through with that visit and came back home and never saw her again until you saw her up here of Lightning? A. Saw her mother in Fort Scott.

Applicant recalled and examinedby Mr. Smith.
Q Where were you living in 1880? A. On California creek, near the Whiskey crossing.
Q Were you and Emma living together then as man and wife? A. Yes sir.
Q Do you know why you wasn't put on that roll? A. At the time the census takers came round in the sprin of '75 the census takers was Dick Duck and Mr. Hicks, they came to the house and my wife was absent and I gave her name and all the rest of the family; there was an ord r from the Chief or the executive office for all those who had not met the census takers before to appear at the district clerks and give their census, and in '75 I taken my mother-in-law and went to the clerk and she gave them in and swore to it and proved it by John Freedman-- that was the same year that Mr. Wallace made the roll of the freedmen that I went to Tahlequah and got Mr. Rammus to go and examine the office and see if my people was down and he did and the clerk there told him the district clerk, C. C. Lipe had never sent in any such reports.

By Bell--

Q That was in '75? A. Yes sir, the time that Jacob Lipe was clerk he took the oath and they said that the first oath that he took there was that of this her woman's mother, Tilda Dannenburg.

By Smith.

Q Do you know why she was not placed on the 1880 roll? A. Just rejected her then, they disputed her after that.
Q You were here at the time? A. Yes sir.

By Com'r. Needles: John J. Rose applies for himself and two children, Robert and James Rose, and he makes satisfactory proof of his marriage to Emma Dannenburg according to the laws of the Cherokee Nation; the name of his wife is not found on the authenticated roll of 1880, but isidentified on the Kern-Clifton and Wallace rolls; the names of the two children above named are by his said wife Emma, and are identified on the Kern-Clifton roll; he makes satisfactory proof as to his marriage in the year 1880 according to the laws of the Cherokee Nation; they are all duly identified but for the reason that the name of the said Emily Dannenburg, the wife of the said John J. Rose does not appear on the authenticated roll of 1880, and because of the fact that the Cherokee Nation protests the enrollment of these parties, the said John J.

John F. Rose et al.--#7

Rose will be listed for enrollment as a Cherokee Freedman by intermarriage on a doubtful card, and the two children James and Robert Rose will be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known to them by mail.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full that portion of the testimony as indicated as having been taken by him, and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 6th of June, 1901, at Chelsea, I.T.

(Signed) T. B. Needles
Commissioner

Endorsed on back as follows:
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 6, 1901.
(Signed) TAM BIXBY
Acting Chairman.

Flora L. Ross, stenographer to the Commission to the Five Civilized Tribes, hereby certifies that the above and foregoing is a true and correct copy of the original now on file with the Commission.
(Signed) Flora L. Ross

Subscribed and sworn to before me this 14th day of December, 1904
(Signed) J. B. Campbell
Notary Public.

Lucy M. Bowman, stenographer to the Commission to the Five Civilized Tribes, states that she made the above and foregoing copy and that same is a full true and complete copy of the original transcript now on file with this Commission.

Lucy M. Bowman

Subscribed and sworn to before me this 11 day of April, 1905.

Myron White
Notary Public.

(C O P Y)

Department of the Interior
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Emily Nolen for the enrollment of herself and child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Smith, of Mellette & Smith, for applicant;
W. T. Hastings, for Cherokee Nation.

Q What is your name? A. Emily Nolen.
Q How old are you ? A. About 50, I guess.
Q What is your postoffice? A. Ruby.
Q What district do you live in? A. Cooweescoowee.
Q You apply to be recognized as a Cherokee Freedman? A. Yes sir
Q Who do you want to enroll besides yourself? A. Well I can't enroll only them that's under age can I?
Q That's all.

Examined by Attorney Smith:

Q What children do you want to apply for? A. Jessie Rose
Q Now the next one? A. That's all, if you don't let me enroll the boys.
Q Have you any other child that's under age, not grown?
A. No sir, they are all grown but them three.
Q All except Robert, James and Jessie? A. Yes sir
Q Well, Robert and James have already been applied for by your husband, John J. Rose, so you just apply for yourself and Jessie?
A. Well, sir.

Examined by Commissioner Needles.

Q How old is Jessie? A. Seven or eight, seven years old I guess.

Examined by Attorney Smith:

Q What is your name now? A. Emily Nolen.
Q Were you the wife of John Rose? A. Yes sir, I was.
Q How long did you and John live together? about? A. I don't know.
Q What children were born to you and John Rose while you were living together? A. All my children are his.
Q Give their names? A. Charlie, Carrie, Willie, Mary, Geneva, Robert, Jimmie and Jessie.
Q Did you and John separate? A. Yes sir.
Q When did you separate? A. About four years ago.
Q Where was Robert born? A. On California Creek, in the Cherokee Nation.
Q Where was James born? A. On Hickory Creek, Cherokee Nation, the same neighborhood.
Q Robert, James and Jessie are living with you? A. Yes sir.
Q Where does Geneva live? A. She has been living on Lightning Creek.
Q Is she married? A. She has been married but ain't now.

Emily Nolen et al.--#2)

Q Where is she living now? A. She is living on Lightning.
Q Where does Mary live? A. On Lightning.
Q Is she married? A. Yes sir.
Q What is her name now? A. Mary Blackburn
Q Where does Will live? A. He lives on California Creek, near Lenapah.
Q Where does Carrie live? A. She lives on Salt Creek, close to Rubt postoffice.
Q How far from Ruby? A. About a mile and a half.
Q Is Carrie married? A. Yes sir.
Q What is her name now? A. Freeman. She married George Freeman
Q Where does Charles live? A. He lives near Coffeyville in the Cherokee Nation, on the Verdigris.
Q You apply for yourself and Jessie do you? A. Yes sir.
Q What was your name before you were married? A. Before I married the first time?
Q Yes sir? A. Dennenberg.
Q Were you born a slave? A. Yes sir.
Q Who did you belong to? A. I belonged to Dennenberg
Q Was he a Cherokee? A. Yes sir.
Q Where did you live before the war? A. In Flint, Cherokee Nation
Q Were you taken out of the Cherokee Nation during the war? A. Yes sir.
Q When did you come back? A. I come back in the fall of '66.
Q Who did you come back with? A. I come back with my mother and brother and sister.
Q What was your sister's name? A. Jane Smith it is now.
Q Anybody else with you? A. Uncle Dave French.
Q What family did your father and mother have at that time at the time you came back here, who were the members of that family?
A That I belonged to?
Q Your father's family, you mentioned your sister, Jane Smith? A. And my brother, James Colbert; there wasn't but three children
Q Where did you come to when you came back? A. Come to Lightning Creek.
Q How old are you you say? A. I am about 50 I guess.
Q You don't know your age? A. No sir.
Q Can you remember how big you were when you came back to the Nation after the war? A. I guess I was about 11 years old.
Q You don't know exactly? A. No sir, I don't know my age.
Q You were not grown? A. No, sir, I wasn't grown.
Q Where does your sister, Jane Smith, live? A. She lives on Hickory Creek, about nine miles below Coffeyville, in the Cherokee Nation.
Q What is her husband's name? A. Charley Smith.
Q Where does James Colbert, your brother live? A. He lives near Bartlesville, in the Cherokee Nation.

Examined by Cherokee Representative, W. W. Hastings:

Q You say you belonged to Dannenberg? A Yes sir.
Q Where did you live before the war? A. I lived in the Nation down there close to Flint.
Q Close to Flint? A Yes sir, I don't know what.
Q You don't know what district? A. No sir, I don't know.
Q Did Dannenberg have any children? A. Yes sir.
Q What are the names of some of them? A. His oldest girl was named Josephine and the oldest boy was named Henry.
Q You were living with them at that time? A. Yes sir.
Q Who did your brothers and sisters belong to? A. Same person.
Q All of them you have mentioned belonged to the same person? A. Yes sir.

Emily Nolen et al.--

Q And he was living in Flint District? A. I guess it was Flint District, but I remember it was near Flint.
Q About how big were you when the war came up?
A. I was quite small.
Q You don't know, remember anything about the dates then? A.
A. No sir.
Q You don't know anything about the dates since then? A. I know the dates when I see them, but I can't remember no dates that far.
Q You were not married when you come back here then? A. No sir.
Q When did you marry John Rose? A. I don't know just when.
Q About how long after you come back here? A. I guess about 4 or 5 year.
Q You never married him in Kansas then? A. Yes sir, I married him in Kansas.
Q Then you married him before you come here? A. I came down here and then I went back and I married him then when I went back.
Q Where did you come to when you come down here the first time? A. I come to Lightning Creek.
Q Your father alive then? A. I don't know anything about my father, I never saw him.
Q What was your mother's name? A. Tilda Dannenberg.
Q She came down with you then? A. Yes sir.
Q Just you and your mother and brother and sister?A. Yes sir, and Uncle Dave Frances.
Q He was along? A. Yes sir, and Harry still.
Q He was along? A Yes sir.
Q How long did you stay down here when you come? A. I went back I guess it was in the summer.
Q What time did you come down? A. I come in the fall.
Q And you stayed here then until the next summer? A Yes sir.
Q Then you lived in Kansas about four years? A. No sir, I didn't stay there until September, I guess about September and I come back.
Q Well, you said you married up there? A Yes sir, I married up there.
Q Didn't you state awhile ago that it was about four years after you come down here until you married? A. I meant it was four years from the time I come down here the first time.
Q That's what I meant? A. Well, I didn't stay up there no four years.
Q Well you come down here the first time, and you say you went back the following summer? A. Yes sir.
Q Was it about four years when you first come down here after the war that you married Rose? A. I come down here the first time with my mother and sister, and I stayed until along in the summer, and I went back and stayed there until along in the fall and I stayed there until in the fall and then I come back and I married up there and I come back that fall.
Q Was you ever married before? A. No sir.
Q Was Rose ever married before? A. Not as I knows of.
Q He was a state man? A. Yes sir.
Q Who went back to Kansas with you? A. A young man by the name of Reed Whitney
Q Was he any relation to you? A. No sir.
Q How did you two happen to go back together ? A. There was another girl went with us.
Q What place in Kansas did you go to? A. We went back to Lawrence
Q You were married in Lawrence? A. Yes sir.

Q What year were you married? A. I can't tell the dates, I was married, I can't tell how long I have been married and when I did marry.

Q You can't tell the year you was married in but you could tell the fall you come back here? A. Yes, I can tell that, because I heard so much talk about it.

Q You didn't hear so much talk about your marriage? A. No sir.

Q What is your oldest child's name? A. Charley.

Q How old is Charley? A. I guess about 22.

Q Where was Charley born? A. He was born in the nation.

Q Where? A. He was born on Grand River.

Q Who were your neighbors then? A. I don't.

Q What was their name? A. Aunt Sal Buffington.

Q You were living then over on Grand River? A. No, I just went down there on a visit.

Q How long had you been in the nation then? A. I don't remember.

Q Where was your next child born? A. On California Creek.

Q What was his name? A. Next one is the oldest one? A. Carrie Freeman.

Q She was born on California Creek? A. Yes sir.

Q How far does from Go'Bayville? A. About 12 miles.

Q What direction? A. South.

Q Have you been living in that place ever since? A. Right around in the neighborhood ever since.

Q Where was Carrie Freeman married? A. She was married on Hickory Creek.

Q She ever live any in Kansas? A. No sir.

Q Did she ever go back to Kansas? A. No sir.

Q Who did you and your mother live with the first fall after you came back here? A. We stayed there at Aunt Marian Hayden's.

Q Did you live in the house with her? A. Yes sir. We lived in the house with her awhile, and we had a little house.

Q Who was living with Aunt Marian Hayden? A. My uncle Reed Whitney, and this Angy Elder, and her son.

Q That was in the fall of '66 was it? A. Yes sir.

Q Where was your Aun t Marian Hayden living then? A. My there just close to where she is living now, I don't know just where the place is, I couldn't tell where, but where the place is now.

Q It was on the same place but a different house? A. Somewhere along there, I have never been there for a long time, and I don't know.

Q She had a house built did she? A. I suppose she had, I don't know.

Q You don't know whether they were living in a house or not? A. Oh yes, I know they were living in a house, but I don't know how they got it.

Q You know how long they had been living there when you came? A. No sir.

Q Had they raised a crop there, patch? A. I guess they had a garden patch, but it has been so long I don't remember.

Q Was Mr. Hayden there? A. I don't think he was at that time, you see I was so small and then I don't remember very much anyway.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant and child identified as follows
page 146 #3616 Emily Rose, Intermarried Abstract.
page 146 # 3622 Jess Rose, Intermarried Abstract.

[illegible]

[illegible]

Given Affidavit: (Copy) 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Annie Freeman, born on the 29 day of June, 1892

(Give name of child.)

Name of Father: George Freeman a citizen of the Cherokee Nation.

Name of Mother: Barrie Freeman a citizen of the Cherokee Nation.

Postoffice Ruby, I. T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Barrie Freeman, on oath state that I am 28 years of age and a citizen by adoption, of the Cherokee Nation; that I am the lawful wife of George Freeman, who is a citizen, by adoption, of the Cherokee Nation; that a Female (Male or Female.) child was born to me on 29 day of June, 1892; that said child has been named Annie Freeman, and is now living.

Barrie Freeman

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22 day of June, 1901.

My Commission expires March 25 1905
P. O. Hayden, I. T.

Wm Madden Jr.
Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY,
Northern DISTRICT.

I, Ann Wright, a midwife, on oath state that I attended on Mrs. Barrie Freeman, wife of George Freeman on the 29 day of June, 1892; that there was born to her on said date a Female (Male or Female.) child; that said child is now living and is said to have been named Annie Freeman

Ann her X mark Wright

WITNESSES TO MARK:

(Must be Two Witnesses.)
Ella Wright
Annie Elms

Subscribed and sworn to before me this 22 day of June, 1901.

Wm Madden Jr.
Notary Public.

File with F. D-459, George Freeman et al.

F.D-458

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 27,1902.

In the matter of the application of John Freeman et al for enrollment as Cherokee Freedmen.
SUPPLEMENTAL TO D#458.

APPEARANCES:
Mellette & Smith for applicants.
W.W.Hastings for Cherokee Nation.

MR.HASTINGS: The Cherokee Nation asks that the testimony filed and made a part of the record by the Cherokee Nation in the case of Freedman Doubtful 818 and the testimony of Aaron Webber and the testimony of the Cherokee Nation in Freedman Doubtful 216, and the testimony of Reuben Sanders, together with the testimony filed by the Cherokee Nation in Freedman Doubtful 391, be introduced and made a part of the record in this case.

MR.SMITH: The applicant objects to the introduction of the testimony of Reuben Sanders because the same does not tend to prove any issue in this case and because it was not taken withreference to this case, no opportunity for cross-examination being allowed with reference to this case, and as to that testimony offered the applicant objects because it is incompetent, immaterial and irrelevant, and because no foundation was laid for the introduction of said testimony.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-459, the same being George Freeman et al; D-460, that of Osa Freeman; D-612, that of Eliza Cannon; D-614, that of Mary Thompson et al, and in D-458, being that of John Freeman, the case at bar. It appears that all the applicants in the above named cases are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of July,1902.

(signed) P.G.Reuter,
Notary Public.

(Seal)

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M.D.Green,being first duly sworn,states that as stenographer to the Commission to the Five Civilized Tribeshe correctly ~~[illegible]~~ copied the foregoing and that same is a true and complete copy of the original.

M D Green

Subscribed and sworn to before me this July 31,1902.

Bruce B. Jones
Notary Public.

Supl. C. D. #818. Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee Freedman, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represent by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee NationH A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the CherokeeNation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River: between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q How far is on the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you know in Going Snake and belonged to the Whitmire family there? A Yes, sir.
Q About how old a man was he when you met him? A He is an old er man I think than I am.
Q And you said other with him you know? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I know.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thoughthere he lives, I have saw him ever since I have been here. I dont think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

F. D. 218.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright
vs
Cherokee Nation.

(Ex. 7th of June.
(Answer filed.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation.

(Ex. June 7th. Statement filed on the 26 of June.
1st July set, 1st Aug. set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to hey claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1870.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the clauses of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
June 26, 1870. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 238, case No. 60, as follows:

"Case 60.

Aaron Whitmire)
vs)
Cherokee Nation.)

Tahlequah,
July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

An a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August - 31st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Dec. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires whopiloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Rose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistance. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.
his mk.

Aaron Whitmire)
vs) August 1, 1878.
Cherokee Nation.) Bluford Alberty, witness for claimant, called and sworn.

I reside in Cooweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District.

of the 3rd of September, 1866. I had occasion some time in the latter part of Oct., or the first of Nov, or probably it might have been in late in the middle of November, to go to the Virdifris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crouches. I did not go to the camp. They were colored people. I knew most of them. Their names were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and the latter belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got here. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Jim Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they could go there they could get some. He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was somewhere in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. I did not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Jack Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I saw them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the beginning of the war.

R. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Reigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Ann, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Reigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landman was also in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Mary Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

his
Nosex Whitmire.
mark.

Attest
D. L. Nicholson,
Clerk.

Case 63.

Aaron Whitmire & family)
vs)
Cherokee Nation.)

Claiming citizenship.

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in that

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.
While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cooweescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Hodges, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but Idó not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned befor the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Lewis, Nelson and Dennis Whitmire and little Sam Webber and I think they were some who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam Webber though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I got them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs)
Cherokee Nation.)

July 4" 1870.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:

D. L. Nicholdon, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist, This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of Claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave Claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire is the name of the other man, I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for he purpose as they saidat the time of selecting their homes. Several claims was than in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding Wild Cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 283."

Aaron Whitmire et al) July 16" 1878.
vs)
Cherokee Nation.) John Riley,

Sworn as witness for Deft. I live in Coowescoowee Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1868 to the Nation. I knew Aaron Whitmire. He returned or came to the Virdigris River to live in the month of March 1867. Also came at the same time Pet r Hoigs, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Lackman. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Coody's Bluff in Decr. '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Bluford Albertly being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Mariah nor Major Wright nor Nelson Whitmire that I know of. If any such party had come down in Decm. 1866 I think certainly I would have known it.

Joseph Riley.
Randolph Riley.

(Page 283)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 is my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. W. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitwire)
vs) Tahlequah May 16, 1878.
Cherokee Nation.)

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL) (Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1902.

Bruce C. Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescooowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.

Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.
Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the sall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes,sir
Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes,sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes,sir.
Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes,sir.
Q You came out in wagons the first time? A Yes,sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes,sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No,sir, I don't.
Q Have you got any witnesses? A Yes,sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Your name on the 1880 roll? A Yes,sir.
Q Do you know Aaron Webber? A Yes,sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q By blood? A Yes,sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes,sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes,sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes,sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken?
A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wymer.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May,1901.

C. R. Breckinridge,

.....Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th,1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 350.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

(By Hastings)

How long have you lived in Mound City, Kansas? A Since May 1857.

Q What was your father's name? A James Walker.

Q What was your mother's name? A Miama Walker.

Q Was your father and mother here the first of the month? A Yes sir.

Q They testified in this matter at that time did they? A Yes sir.

Q Do you know Samuel Webber? A Yes sir.

Q Did you know his son Samuel Webber? A Yes sir.

Q Where did you know them? A Near Mound city, Kansas, in the neighborhood where I live.

Q Do you know the applicant here, Joe Ross? A I knew him as Joe Webber.

Q Is the the same fellow? (pointing) A Yes sir.

Q Where was he living at the time? A He lived with the older Sam Webber at the time.

Q You know this applicant here is the same party? A Yes sir.

Q Did you know a woman named Chlora? A Yes sir.

Q What relation was she to Joe Ross? A Sister.

Q Did you know Aaron Webber a little duck legged fellow? A Yes sir

Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.

Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.

Q I mean in the year 1866? A My father bought the farm.

Q Of whom did he purchase the farm? A Of Flemmings.

Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.

Q Did he marry before or after he moved from that country? A Before he moved.

Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.

Q The date of the deed? A Yes sir.

Q What was that date? A The date of the deed is October '66.

(By Mr. Smith) Object to that if you have not the deed.

(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.

Q At that time, where was Sam Webber living? A On this farm that father purchased.

Q Where was young Sam living, at the time he married? A On this farm on the same place.

Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.

Q Did they all move down at the same time? A All started together.

Q left there together? A Yes sir.

(By Mr. Smith)

Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.

Q How did you know it? A I recognized his countenance as one man knows another.

Q How? A Well I saw him.

Q When? A To day.

Q Where? A On the street.

Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.

Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.

Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.

Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, came down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaedm in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Bruce G. Jones
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long,Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Wober, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just now, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
J.F.SMITH: Now I move to strike out the testimony to the effect, because the witness says that is his opinion.
Commission: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgement? A Yes, sir.
Q That is your best recollection? A (No response.)

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.
BY MR. SMITH:
Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes?A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1866? A I don't know.
Q Where was he in October, 1865? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1865 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two? A Yes, sir, I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber , Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865? A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.
Q They came in 1866 and located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1865? A I know they were there in '66.
Q You don't know what time in '65 they were there? A They were there before '65.
Q Well I am talking about '65: were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '65 I think, directly after crops was made; they come down here and they went back up there together in the fall.

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Q Well did they ever come back together? A I don't know whether they did or not; Aaron didn't come back I don't think.
Q What about Sam Jr., did he come down with his father? A Yes sir, I don't know whether Aaron come back or not; I know Sam and the old man come back and got the family.
Q Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I saw them afterwards.
Q Do you remember of Sam Webber Jr. ever bringing any hides into the country? A No sir, I don't remember; I remember Sam telling me he had his cabin up.
Q When did he tell you he had his cabin up? A In the fall of '66.
Q He had been down here in the fall of 1866 and had built a cabin? A Yes sir, he told me he had his cabin built.
Q And now that cabin? Now when they took all the people out you thought that was that time? A I don't know, but it runs in my mind as February or March; I won't say anything about that.
Q What year? A '67.
Q Why you won't say anything about that? A I don't know whether it was or not.
Q You don't know whether it was or not? A No sir, that is a fact; but it runs in my mind at that.
Q There was Sam Webber during the winter of 1866 and '66, the winter that commences with November, 1865 and ends with February 1866? A I think he was there.
Q Well, did you see him there? A Yes, I think he was there pretty much all the time.
Q Well do you know it? A I got no way to fix it; that's my opinion he was there.
Q You don't think it positively that he was or was not? A I know most of them was there and I believe he was too.
Q You can't state that positively? A No sir, not unless I got something to fix the date.
Q You won't say that? A No sir.
Q How can you remember about Sam Webber coming up there in the spring of 1866 and bringing some beef hides? A No sir, I can't remember; of course them dates is a long time ago; how I have got these things fixed in my head that was in the fall of '66 I was moving from one farm to the other, and that was in the fall.
Q You didn't go off of that farm? A No sir, just moved from the west to the east side.
Q And you were a boy about 13 years old? A Yes sir.
Q What is there in that to fix the date in your mind it was in 1866 any more than 1865 you moved? A I know we moved from the things that occurred; the death in the family of a young man that was there; I know it was '66.
Q How about that now; about the deaths in the family? A There was a young man died in the family in '66, 4 years after we moved there it must have been from the things that he did when we moved from one house, but he didn't move in his house at all.
Q You don't seem to be positive about any of these dates you give? A Why I do, when the family moved over, remember that fact.
Q I mean about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.

BY MR. MATTHEWS:

Q Now you never missed them up there in 1866 did you? A No sir.

MR. SMITH: I object to that; it is not competent whether he missed them or not.

Q Did you ever miss them up until the summer of 1866? A No sir, I have no recollection of them leaving there until that.
Q That is your first recollection of them leaving? A Yes, sir.

Mary A. Hicks, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post-office? A Mantey.
Q Is that in Kansas? A Yes sir.
BY MR. HASTINGS:
Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864."? A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866".?
A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died?
A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.
Q Do you know where his wife was? A His wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.
Q She was living? A Yes sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in she would come and sit up with me.
Q Did you know a sister of Joe's called Chlora? A Yes sir.
Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -

OBJECTED to by applicant.

A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q Had he recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while, I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I can.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?
Q Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1865 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '65.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some hides to the community?
A No sir, I didn't charge my mind with anything like that.

Q Well now give me some idea, Mrs. Hicks, about the time old ~~man~~ Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he come in the fall I reckon.
Q You don't know whether it was fall summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way
Q Where did you move from this place that you live? A Where did I move from.
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of 1857.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You wont be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certian it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.

BY MR. HASTINGS:

Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.

BY MR. SMITH:

Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then come back.
Q Now do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together
Q Are you sure of that? A Yes sir.
Q Where was Aaron Webber, did he come with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wont be positive whether he came with them or not. When they came after their claims.
Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir. sometime alongin the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No I don't know whether he sold it or not, I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts
Q Now what makes you think it was in February of March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q Who did? A These darkey boys, the Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commences December and ends February, December, '66 and February '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were then; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now that I want to know, who was there except this woman, Rhoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23, 1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I dox, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-496, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN O. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th,1901.

J. C. Starr,

Notary Public.

SEAL.

To be filed with _____.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

Appearances:
W.W.Hastings, for the Cherokee Nation.
Mellette & Smith for the applicants.

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Greyson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I didn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereon Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.
Q Where? A There at Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months of a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around there.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except around to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never saw them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I disremember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in, '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came there.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript

A R Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

Prince C Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 176, No. 2658, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2512, Eliza Meigs, Cooweescoowee district.

Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

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The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, Not 40, Elizabeth Daniel.
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 181, No. 2748, Elizabeth Meigs, Cooweescoowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself?
A Yes sir my husband did.
Q What members of your family came down with you and your husband?
A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Reuben Sanders.
Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now,
Q Were you there when they started down? A We all come together I am a telling you.
Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Fort Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q These that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in 1857.
Q What house? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with your husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike-Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that come? A Aaron Wright come with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all what I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
Q Who? A Lunie Riley was there on Verdigris, but not where we was living.
Q How far from where you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q [illegible]? A No sir, never saw none.
Q [illegible] any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there
Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Henry Harold.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
Q They didn't admit him then did they? A I don't know sir.
Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court or Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
Q I mean in court? A That is what I am a telling you.
Q You know what a court is dont you? A Yes sir.
Q What court do you know? A Kerns Clifton court.
Q Any other court that you know of? A I know of the Wallace court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce? A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant. (Examined by the Commission).

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:
Page 175, No. 2657, Reuben Sanders, Ooweseeoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
Q What court? A The Chambers court.
Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

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Q Where was it sitting? A At Tahlequah.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thompson Occhelita was chief.
Q Was that before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
Q Where did they take your name? A I was in Coosoneck Bend, at the time.
Q Do you know the applicant Elizabeth Meigs? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q Just a few years after the war? A Yes sir.
Q In 1871 wasn't it? A Yes sir.
Q Was any action taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time? A.
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
Q The first time? A Yes sir.
Q Who came with you? A Several were on horse-back; it is beyoung my knowledge how many there were.
Q Tell all you can remember? A We made a trip in August and one in October and then we moved here in the winter.
Q Did you come in August? A Yes sir.
Q Who came with you then? A Some of this family, Peter Meigs and got his place; the heads of these families.

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Mose and Dennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I come in August.
Q You didn't come in October then? Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look our homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 65 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.
Q Who else? A He had several children.
Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

By Mr. [illegible]

Q Dont you remember any one else? A Rachel [illegible].
Q Do you think of any one else? A No sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you come to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may have.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother names William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66? A Yes sir.
Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
Q You staid here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made your third and last trip? A Yes sir.
Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was born in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Morris-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

\#\#\#\#\#\#\#\#\#\#\#\#\#\#\#\#

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for staing this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmaw.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I dom not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~proof~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

C. D. Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this [illegible].

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-331, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '66.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out?
A Yes, sir.
Q Well, did you ever know her by any other name than Betsy?
A Bettie.
Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No,sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now when did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes,sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November,1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the ~~Five Civilized Tribes,~~
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs ~~et al~~ for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:
L. T. Brown, agent for applicants;
L. E. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.
Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Henry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Notary Public.

Subscribed and sworn to before me this February 27, 1902.

AUG 13 1902

Q. Where did you live before moving to Lindsborg? A. Lived [illegible] east of Chetopa about ten miles.
Q. Do you know Samuel Hook, the applicant in this case, or [illegible]? A. No, sir.
Q. Where were you living along the latter part of the [illegible] early part of the seventies? A. On the Grand River.
Q. Do you know about the year the M. K. & T. railroad [illegible] Chetopa, Kansas, down through the Territory? A. In [illegible] the latter part of '71 or '2.
Q. Did you have conversation with it any way that makes you remember

Supl.-C.F.D.G

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J.S.Davenport, Cherokee representative.

L.B.BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Dryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and the first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARSHALL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR DAVENPORT:

Q What is your name? A C. D. Marshall.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.

Q Where did you live before moving to Tahlequah? A Lived on Grand river east of Choteau about ten miles.
Q Do you know Samuel Beck, the applicant in this case, or his family? A No, sir.
Q Where were you living along the latter part of the sixties or early part of the seventies? A On the Grand river.
Q Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A It must have been the latter part of '71 or '2.
Q Had you any connection with it any way that makes you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q And that was in what years it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

'''

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Notary Public.

F. D. 391.

To be filed with F. D. 459.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follow

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December, 22, 1866? up to and including March of 1867? A Yes, sir. (Here presents files.
MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 27, 1866, found on the second column of the editorial page, headed "Another Murder.
MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and F. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Herler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body andface of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill. going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

POOR ORIGINAL -
BEST AVAILABLE COPY

[illegible] Bender, (colored) sworn -- Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my house. He seemed to be [illegible] when I told him no. He seemed to be [illegible] his wife was there; told him no. [illegible] shooting sounded [illegible] he had on a black soldier's coat; the shots came Hayford [illegible] house, and about the shots were fifteen [illegible] rode down to Mackey's and [illegible] Mackey [illegible] the shots were fired. [illegible] Mackey [illegible] - Do not [illegible] my house, at the house [illegible] parties [illegible] revolver then or not. [illegible] any [illegible] and one several times. I [illegible] any [illegible] revolver [illegible] usually [illegible] that night. [illegible] afterward [illegible] the sack [illegible] the bank. [illegible] Mackey have [illegible] before Hayford was killed.

[illegible] W. Lyons, sworn - I live about [illegible] of Eli Mackey's. Saturday night was at home about [illegible] to my house and [illegible] for [illegible] heard him on. [illegible] voice that it was his. [illegible] have heard him several [illegible] also my wife said he [illegible] in a northerly direction, that [illegible] way from my house to Mackey's. About five minutes after [illegible] heard four distinct shots. From the sound thought they were about 15 yards off and southwest from my house. After the firing heard someone walking [illegible], whistling, he was going towards town.

Stephen Lockey, (col.) sworn - After dark Saturday night I [illegible] new Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to [illegible] long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. I didn't notice whether Hayford was there or not. Alonzo Dublin told me he saw Mackey on the road towards town, and that Mackey knew me well, but couldn't answer. [illegible] back again until [illegible] and brought [illegible] town. When I saw Mackey at [illegible] he had on a soldier's [illegible] coat; he had a revolver on his [illegible] it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

[illegible] sworn - Saturday night I was at Mackey's and heard a shot fired, [illegible] soon after heard a man holler, run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alec Harris, Westly Mackey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Lyer Hayford came to his death by pistol wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be half Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting [illegible] fore his trial came off the prosecuting witness left [illegible] unknown, and Mackey was discharged without trial. Let [illegible] for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Myer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.
Murderer of Hayford Captured and Hung.
Tragical events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Myer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even after they approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Mefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Wann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you living there at the close of the war? A Yes, sir.
Q Were you living there in '66, December? A I have lived there ever since '62.
Q Did you know Dyer Hayford? A Yes, sir.
Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.
Q Who? A Eli Mackey.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, somewhere in February, 26th I think it was.
Q Of February following, of '67? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 26th of March.
Q From then about the 26th of February until the 26th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, they tried to find him.
Q For a while that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 26th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 20th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes; sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 68.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him?
A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done

Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-216, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and irrelevant and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775, and in D-381, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes and has reported in full the testimony and proceedings in the above case, that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger

Subscribed and sworn to before me this 14th day of May, 1912.

(Seal) (Signed) Philip C. Fowler.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1902.

F. D. Rutter

Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Freeman et al., as Cherokee Freedmen, consolidating the applications of:

John Freeman et al.	Cherokee	Freedmen	D 458
George Freeman et al	"	"	D 459
Osa Freeman	"	"	D 460
Eliza Cannon	"	"	D 612
Mary Thompson et al	"	"	D 614

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by John Freeman for himself, his wife, Nettie Freeman, and his minor children, John H., Elnora, Charlie, Jesse, Walter, Luther and Arizona Freeman, and subsequent to the date of his application an affidavit was filed as to the birth of his minor child, Ora Freeman, and the same is made a part of the record herein; by George Freeman for himself, his wife, Carrie Freeman, and his minor child, Annie Freeman; by Osa Freeman for himself; by Eliza Cannon for herself; by Mary Thompson for herself and her minor children, Clarence, Ethel and Bessie Thompson. Evidence taken at various times in the cases of Edward Wright, Aaron Webber, Joe Ross, Jefferson Ross, Elizabeth Meigs and Samuel Beck is filed herewith and made a part of the record herein.

The evidence shows that John Freeman and his wife, Nettie Freeman, are the common ancestors through whom all the other applicants, except George, Carrie and Annie Freeman and Eliza Cannon, claim rights to enrollment as Cherokee freedmen; that George Freeman, Annie Freeman and Eliza Cannon are descendants of John Freeman and his former wife, Margaret Freeman; and that all the applicants herein except John and Nettie Freeman, were born since the commencement of the rebellion.

The evidence further shows that John Freeman, his former wife, Margaret Freeman, and his present wife, Nettie Freeman, were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation, but returned thereto prior to January 19, 1867.

There is no evidence showing that Carrie Freeman or any of her ancestors were slaves of Cherokee citizens, or free colored per-

sons residing in the Cherokee Nation at the commencement of the rebellion. It further appears that her name is not found upon the 1880 authenticated Cherokee roll.

The evidence further shows that all the applicants herein, except Carrie Freeman, have resided in the Cherokee Nation from 1866, or from their birth were born thereafter, up to and including the date of their application herein.

It is, therefore, the opninion of this Commission that the application for the enrollment of Carrie Freeman, as a Cherokee freedman, should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495); and that John Freeman, Nettie Freeman, John H. Freeman, Minora Freeman, Charlie Freeman, Jesse Freeman, Walter Freeman, Luther Freeman, Arizona Freeman, Ora Freeman, George Freeman, Annie Freeman, Eliza Carter, Osa Freeman, Mary Thompson, Clarence Thompson, Ethel Thompson and Bessie Thompson should be enrolled as Cherokee freedmen under the provisions of section twenty-one above mentioned, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby.

(Signed) T. L. Needles.

(Signed) C. R. Breckinridge.

(Signed) W. H. Stanley.

Muskogee, Indian Territory,

This July 1-1903.

(C O P Y)

DEPARTMENT OF THE INTERIOR/
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert Rose et al. for enrollment as Cherokee Freedmen, consolidating the applications of:

Robert Rose et al.	Cherokee Freedmen D 474
Jane Smith et al.	Cherokee Freedmen D 514
Emily Nolen, et al.	Cherokee Freedmen D 511
Pearl Smith,	Cherokee Freedmen D 515
Matilda Smith	Cherokee Freedmen D 516
Mary Blackburn et al.	Cherokee Freedmen D 517
Charles Rose	Cherokee Freedmen D 518
James Colbert et al.	Cherokee Freedmen D 520
Geneva Lynch et al.	Cherokee Freedmen D 528
William Rose	Cherokee Freedmen D 804
Daisy Rose	Cherokee Freedmen D 132
Elnora Smith	Cherokee Freedmen D 882
Cora Morris et al.	Cherokee Freedmen D 883.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this commission by John J. Rose, for his minor children, Robert and James Rose; said application also included the said John J. Rose, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said John J. Rose is not embraced in this decision; by Charles C. Smith, for his wife, Jane, and minor children, Chester, Frank, Bertha, Catharine, Curtis and Melvola Smith; said application also included the said Charles C. Smith, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Charles C. Smith is not embraced in this decision; by Emily Nolen, for herself and minor child, Jessie Rose; by Pearl Smith , for himself; by Matilda Smith, for herself; by Mary Blackburn , for herself and minor child, Jeff Dickson; by Charles Rose for himself; by James Colbert, for himself and minor children, Myrtle, Mable, Minnie Walter J. , Ernisteen and Pearl L. Colbert; said application also included Susie Colbert, wife of the said James Colbert, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time the said Susie Colbert is not embraced in this decision; by Geneva Lynch, for herself and minor children, John Looney, and Prue Lynch; by William Rose, for himself; by William Rose , for his minor child, Daisy Rose; by Elnora Smith, for herself; and by Cora Morris, for herself and minor children, Clarence, David, Charles and Helen Morris, Copies of the testimony taken in the cases of Edward Wright, Cherokee Freedmen D 813; Aaron Webber, Cherokee Freedmen D 216; Joe Ross, Cherokee Freedmen D 542 and Elizabeth Meigs, Cherokee Freedmen D 391, and Harry Still, Cherokee Freedmen D 876, are filed with and made a part of the record herein.

The evidence shows that Jane Smith, Emily Nolen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Dannenberg), deceased; that they were the slaves of Cherokee citizens at the commencement of the rebellion; and that they went to Kansas during said rebellion. It is shown by evidence introduced in behalf of the applicants that said Jane Smith, Emily Nolen and James Colbert returned to the Cherokee Nation with Mariah Hayden, mother of Harry Still, after the war; and the Commission has decided in the case of Henry C. Hayden et al., Cherokee freedmen R 198, that the said Mariah Hayden did not return to and take up her residence in said Nation until after 1873 which decision was approved by the Department on November 28, 1902(I.T.D. 5988, 6242-1902)

Jack Landrum, a witness in behalf of the applicants, testified that the said Matilda Colbert and her daughter Emily, returned to the Cherokee Nation in the fall of 1866 and remained therein for a period of four or five years following that date. If the testimony of Harry Still to the effect that said applicants returned with Mariah Hayden, his mother, be accepted as true it follows that said Jack Landrum is in error when he states that Matilda Colbert and her daughter, Emily, were living in the Cherokee Nation from 1866 to 1870 or 1871. Again, Landrum is positively contradicted by the testimony of Hattie Drake and Jonathan Jones, two witnesses whose testimony is corroborated by other circumstances. Hattie Drake testified that she knew Emily Nolen, James Colbert and Jane Smith in Kansas at the close of the war; and that following that time she attended school with Emily Nolen and Jane Smith "at two different times" (years). Jonathan Jones testified that he removed to Topeka, Kansas, in February, 1866; that a year or two thereafter he became acquainted with Matilda Colbert and her three children, Emma, Jane and James, who were then residing at said place; and that they continued to reside there for a period of five or six years following the time he first got acquainted with them. The marriage license dated February 6, 1869, in which the said Matilda Colbert is described as "Matilda Deninburg of Topeka" tends to corroborate the testimony of said Jones. Inasmuch as the witness Landrum is shown to be mistaken in his statement that Matilda Colbert and her daughter, Emily, remained in the Cherokee Nation for four or five years following the fall of 1866, is it reasonable to presume that his testimony is any more accurate on the other points in controversy?

As to the testimony of applicants' witness, Harry Still, it is to be observed that, in his own case, it is established by the weight of evidence that he did not return to the Cherokee Nation until after January 19, 1867. So that if he came back to said Nation with any of the applicants it is obvious that they arrived in said Nation too late to acquire any rights to enrollment. Upon consideration of all the evidence, therefore, we are of the opinion that said Jane Smith, Emily Nolen and James Colbert did not return to said Nation until after the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of and claim right to enrollment through said Emily Nolen, Jane Smith or James Colbert; and that they have no other right except as such descendants. The names of none of said applicants herein are found on the 1880 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Robert Rose, James Rose, Jane Smith, Chester Smith, Frank Smith, Bertha Smith, Catherine Smith, Curtis Smith, Melvola Smith, Emily Nolen, Jessie Rose, Pearl Smith, Matilda Smith , Mary Blackburn, Jeff Dickson, Charles Rose, James Colbert, Myrtle Colbert, Mable Colbert, Minnie Colbert, Walter J. Colbert, Ernisteen Colbert, Pearl L. Colbert, Geneva Lynch, John Looney, Prue Lynch, William Rose, Daisy Rose, Elnora Smith, Cora Morris, Clarence Morris, David Morris, Charles Morris, and Helen Morris, as Cherokee Freedmen, should be denied under the provisions of section twentyone of the act of congress, approved June 28, 1898(30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby C
Chairman.

" T. B. Needles,
Commissioner

" C. R. Breckinridge,
Commissioner

" W. M. Stanley,
Commissioner

Muskogee, Indian Territory

this Mar 11 1904.

Cherokee Freedmen
D: 458, 459, 460,
612 and 614.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of John Freeman, et al., George Freeman, et al., Osa Freeman, et al., Eliza Cannon and Mary Thompson, et al., as Cherokee freedmen.

It appearl that; on May 7, 1904, the principal applicants, their attorney and the attorney for the Cherokee Nation were each notified by letter that an opportunity would be given them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 15, 1904, and introduce further testimony touching upon the points mentioned in said letter.

APPEARANCES:

Applicants appear by attorney A. S. McRea, and the applicant George Freeman appears in person.
Cherokee Nation by its attorney, James S. Davenport:

MARTHA E. LABRUM, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Martha E. Labrum.
Q How old are you? A 63.
Q What is your postoffice address? A Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q You are a citizen of the United States? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman, et al? A Yes, I know John Freeman.
Q Do you know his children? A Yes, sir.
Q What were their names? A I think one was named Nettie; they were small; I don't know as I can call the boy's name.
Q Do you know whether or not John Freeman claimed to be a Cherokee freedman, had been a slave of a Cherokee freedman? A Don't know anything about that; he claimed he was coming down here to claim his rights.
Q Did you know his children, George and Osa? A No, I don't know them; he had one or two, two children when he lived there.

By Mr. Davenport:
Q Where did you know John Freeman, where did you first get acquainted with him? A On Grandfather's place; we came to Kansas in 1866.
Q You moved to the State of Kansas in 1866? A Yes, sir.
Q To what point did you move when you came? A About 3 1/2 miles northwest from Fort Scott.
Q Was it known as any special neighborhood, or did you get your mail at Fort Scott? A Yes, sir.
Q When you moved into that neighborhood you got acquainted with a colored man named Freeman? A Yes, sir, he worked for my grandfather
Q What was his name? A Steffer Garr.
Q What year was it you moved to where your grandfather was living? A We moved there in '66, but we didn't crop on him that year.
Q What year do you first remember of John Freeman being there? A He was there when we first came there.
Q How long after you moved there did Freeman remain there? A He stayed there until 1867.
Q About how a man would John Freeman have been at that time? A I don't know, I am sure.
Q He was grown, was he? A Yes, sir.
Q Have a family? A Yes, sir, wife and two children.
Q About what time of the year '67 did he leave? A I couldn't tell just exactly tell, either in November or December.
Q Was it after the crop season of 1867? A Yes, sir, I think it was mostly.

Q Were you married at that time? A Yes, sir.
Q What was your husband's name? A James H. Labrum.
Q Is he still living? A Yes, sir.
Q As I understand he is sick now and wasn't able to come down?
A Yes, sir.
Q Have you seen John Freeman since he moved fromthere? A No, sir.
Q Do you remember his wife's name? A John Freeman's wife, I don't know tha I can tell her name now.
Q Do you remember any of his children's names? A One little girl was named Hettie.
Q You don't know whether he has the same wife living now as then?
A No, sir, I don't.
Q Do you know whether ~~xx xxx~~ he had a boy at that time? A I think the last one was a boy; I couldn't tell his name.
Q They had a girl at that time named Hettie? A Yes, sir, if I remember right.
Q You say that he said when he left that he was coming down to the Cherokee Nation to claim his rights? A Yes, sir, and was very anxious to get away.
Q Is there anything, Mrs. Labrum, that causes you to remember about the time he left and come down this way? A He left there just after grandfather's death.
Q And he died when? A In October, 1867.
Q Freeman was living there then? A He was at the funeral, yes, sir, but I can't tell how long he stayed after that.
Q Do you know anything about the house Freeman lived in while there?
A Yes, sir, it was a log house that I intended to live in when I came to Kansas, and he was there, and I had to live with grandfather.

By Mr. McRea:
Q How old did you say you were, Mrs. Labrum? A 63.
Q Now state again, please, when and where and under what circumstances did you first get acquainted with and learn to know John Freeman? A I learned to know him on grandfather's place when we first come to Kansas in 1866.
Q What time in 1866? A It was in March; he worked for my grandfather, and of course I saw him quite often.
Q Is this the same John Freeman who made application to the Commission to the Five Civilized Tribes for enrollment as a Cherokee freedman citizen on June 1, 1901? A I can only say that is the only John Freeman that I know.
Q You don't swear positively that this John Freeman is the identical person? A I couldn't say that, because I haven't seen him.
Q Mrs. Labrum, how often did you see John Freeman during the year 1866, if at all? A Sometimes every day.
Q During the whole year? A I won't say every day during the whole year.
Q Did you ever miss him from Fort Scott during the year 1866?
A Not while grandfather was living. After grandfather's death he left.
Q Where did you say he went to? A Coming down here, he said.
Q For what purpose? A To get his claim here.
Q Now I would ask you, Mrs. Labrum, if you have ever given this matter any though pertaining to your knowledge of John Freeman, the applicant here, before now since 1866? A No, sir.
Q You have never thought of him, have you? A No, I don't know as I have.
Q Now, Mrs. Labrum, I would ask you when your attention was first c called as to your knowledge about John Freeman, the applicant herein, and by whom was your attention called? A By Mr. Keys.
Q When and where, if you please? A I think it was Saturday, if I am not mistaken.
Q Then Saturday, June 11, 1904, was the first time since October or November, 1867, that you ever though of or had any information pertaining to your knowledge of John Freeman? A Yes, sir, it was quite a surprise to us.
Q That has been quite a good many years, hasn't it? A a very long time.

Q About how old a man was John at that time? A I couldn't say.
Q Well, approximately? A Perhaps 30, I couldn't tell.
Q Did he have a family? A Yes, sir, wife and two children.
Q You are positive that his family only consisted of himself, wife and two children? A I think that was all them, but I can't think what his wife's name was.
Q You say Mr. J. M. Keys here is the gentleman who first called your attention as to what you knew of John Freeman? A Yes, sir.
Q What did he say to you? A He wanted to know if we knew him and when and asked several questions that way. I couldn't tell just exactly when he left.
Q So you kept quite an accurate account of John's whereabouts during the entire year 1866, did you state '66 or '7? A '66, I mean, We come there in 1866.
Q About March, 1866? A Yes, sir, and we stayed there until 1867.
Q Where was he on the first day of July, 1866? A I couldn't tell that.
Q Where was he on the 10th day of July, 1866? A I couldn't tell that.
Q Where was on the 19th day of July, 1866? A I couldn't tell that.
Q You don't know, do you? A No, I don't.
Q Where was he on the 30th day of July, 1866? A I couldn't tell that.
Q You don't know do you? A No, sir.
Q You ar not prepared to say that he was not in the Cherokee Nation from the 9th to the 31st day of July, 1866, are you? A He was there on the place until after grandfather died, and that was in 1867; I couldn't tell just what he was doing, but he was there, because he worked there on the place.
Q Where was he on the first day of January, 1867? A He must have been there on the place.
Q He must have been on the place? A Yes, sir.
Q You don't know of your own knowledge, do you? A I know that he worked there.
Q You know that he was at work on the place on the first of January, 1867? A He worked for my grandfather all the time until he left, but I can't tell what he was doing every day; some days one thing and some days another.
Q Where was he in November, 1866? A He must have been there on the place.
Q He couldn't have been anywhere else, could he? A Not that I know of.
Q He wasn't sick, was he? A I never knew of his being sick.
Q Did you see him at any time during the month of November, 1866?
A Yes, sir, I did.
Q Where at? A There on the place.
Q What time in the month? A I couldn't tell you that.
Q Well, did you see him any time during the month of January, 1867?
A Yes, sir, I did.
Q When and where at? A There on the place.
Q On your father's place in the State of Kansas? A On my grandfather's place; my grandfather died in 1867, in October, and he stayed there until after he died, and worked there.
Q Did you know any other persons in and around Fort Scott, Kansas, who went from the Territory to the State of Kansas, and lived in Fort Scott, other than John Freeman? A They say a family lived there by the name of Whitmire, Moze Whitmire.
Q You knew him, did you? A Yes, sir.
Q Did you know when he left Kansas? A He left about a year before John did.
Q Then he left in the year 1866, is that correct? A He must have left then.
Q He testifies to the fact that John Freeman, among others, accompanied him to the Territory in 1866, are you prepared to dispute that statement? A John didn't come with him; they went before John did.
Q You are positive of that? A Yes, sir.
Q Whitmire testifies that he made three trips down to the Cherokee

Nation, do you know whether or not that is a fact? A No, sir, couldn't say as to that.
Q Then it is possible that during the trips, on one of the trips, that he made down here, John Freeman could have accompanied him, is that true? A After October, 1867; John was there until after grandfather died, and after that he may have accompanied hIM X Mose down here.
Q '66, I am speaking of? A He wasn't here in 1866.
Q You are positive of it? A Yes, sir, I am.
Q What was his occupation upon your father's farm? A He quarried rock and hauled rock.
Q You say he worked by the day, month or year? A He was working to pay a debt; my grandfather sold him a yoke of oxen and he worked to pay it.
Q What was the amount of the debt? A Can't say as to that.
Q He began work for your father when? A He was working there when we come to Kansas.
Q When did he begin working for your grandfather? A I couldn't tell; he was there when I came.
Q Now Mrs Labrum, did he work for your father? A No, sir, my grandfather.
Q He was working for your grandfather when you first come to Kansas? A Yes, sir.
Q About March, 1866? A Yes, sir.
Q What was he doing then? A He was hauling rock.
Q How long did he haul rock? A He did that most of the time; once in a while he would haul timber.
Q Was he working for your grandfather by the day, month or year?

Mr. Davenport: Objected to as immaterial.
Commission: Objection will be noted and witness will answer.

Q I ask if he was working for your grandfather by the day, by the month or by the year during the year 1866? A I can't say as to that; how grandfather paid him by the day or week or how, but he worked there to pay for the cattle. But I can't tell you how much he would give him a day.
Q Did he work for your grandfather continuously? A He worked there until grandfather died.
Q In the year 1867? A Yes, sir, he was owing grandfather then and he stayed a little longer to finish paying for the oxen.
Q He worked for your grandfather from March, 1866, to some time in 1867 to pay for a yoke of oxen? A One of the oxen got killed and grandfather let him have another, and he had to stay to work that out.
Q I understood you to say, Mrs. Labrum, that you were married when you first went to your grandfather's farm? A Yes, sir.
Q Were you ever absent from your grandfather's farm at any time from March, 1866, until January or February, 1867? A Yes, sir, we lived just across the road from grandfather's farm during the first summer.
Q Did you ever take a trip anywhere? A No, sir.
Q How far was this place where you moved to from your grandfather's? A I guess about 80 rods.

Mr. McRea: Comes now the applicant through his attorney and objects to the introduction of the testimony of the witness, Mrs. Labrum, and also the contemplated testimony of Mr. Coody, for the reason that the applicant was notified that they would be required to appear before the Commission to hear the testimony adducted by Adam Wright and James Martin. The applicant further states and shows that he is surprised at the Cherokee Nation and its representatives offering the testimony of the names of the persons herein mentioned, when the applicant was notified that testimony would be offered by the persons named in their affidavit or motion.

Commission: The Department's letter of April 24, remanding this case for further hearing states, "It is the desire of the Department to give the Nation reasonable opportunity to produce any evidence it may desire in citizenship cases." It is considered that

the mere naming of witnesses by whom a fact will be proven would not compel the Nation to offer the testimony of these witnesses alone The objection, however, will be noted.

JOHN H. COODY, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A John H. Coody.
Q How old are you? 49 years old.
Q What is your postoffice address? A Nowata.
Q You are a Cherokee citizen by blood? A Yes, sir.
Q Do you know the applicants in this case, John, George, Ogg, Freeman et al.? A Yes, sir.

By Mr Davenport:
Q How long have you known the applicants, Mr. Coody? A I have known John Freeman since about 1869.
Q Did you know in 1869 the name of his wife? A No, sir.
Q I will ask you if his wife, then living, is the same woman as his present wife? A No, sir.
Q Do you know the name of the lady that was his wife in 1901, when the enrollment was being made? A Nettie.
Q Do you know who she was before she married? A Stepdaughter of John Freeman's, I think.
Q Do you know whether she lived in the family during his first wife's lifetime? A Yes, sir, she lived in the family.
Q Do you know the names of any of the other children? A I know them when I see them, but I don't know them by name.
Q You understand the Nettie is the daughter of his wifex first wife by another husband? A Yes, sir.

By Mr. McRea:
Q You had no acquaintance of John Freeman or his ownership prior to 1869? A No, sir, only since that time.

Commission: There being no objection the taking of further testimony in this case will be continued until nine o'clock A.M. on Friday June 17, 1904.

June 17, 1904, the Cherokee Nation not being ready, this case is continued by agreement, until June 18, 1904.

June 18, 1904, the applicants appearing by attorney A.S. McRea, and the Cherokee Nation appearing by its attorneys, W. V. Hastings and L.B. Bell, the following testimony was introduced.

AARON WHITAIRE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Aaron Whitaire.
Q What is your age? A 66 or '9, don't know just exactly.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman? A Yes, sir.
Q How long have you known them? A Ever since before the war.

By Mr. Hastings:
Q Was John Freeman a slave of a Cherokee citizen before the war? A Yes, sir.
Q How far did you live from them before the war? A About eight miles.
Q Did you know them during the war? A Yes, sir, after we went out from home I knew them during the war.
Q Where did you know them? A At Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Where was John at the close of the war? A There at Fort Scott.

Q Fort Scott, Kansas? A Yes, sir.
Q Do you know what he was doing there, for whom he was working upon whose place he was residing directly after the war? A Yes, sir, on an old gentleman's place by the name of Carr; we called him grandpa Carr.
Q How far from Fort Scott was that? A About five or six miles, as near as I own recollect.
Q What direction? A Northeast.
Q Did you know a family up there by the name of Labrum? A Yes, sir.
Q Were they any kin to these Carrs? A Labrum's wife was old grandpa's daughter.
Q The old man Carr was grandfather of Mrs. Labrum? A Yes, sir.
Q And John was living on this place, was he? A Yes, sir.
Q Which left for the Territory from Kansas first, you or Freeman? A I did.
Q Did you leave him up there when you left? A Yes, sir.
Q When you come to the Cherokee Nation where did you locate? A On Salt Creek where I live now.
Q And your postoffice is Haydon? A No, Coodys Bluff.
Q How far do you live from Coodys Bluff? A Three miles.
Q There is where you first located when you come to the Cherokee Nation? A Yes, sir, on Salt Creek.
Q What kin are you to Mose Whitmire? A Halfbrother.
Q What kin are you to Lewis Whitmire? A He is my own brother.
Q What time did you move your family to the Cherokee Nation after the war? A It was along in the Spring of '67, I think it was in February.
Q The last of February? A The first of February.
Q It was in the Spring of '67, was it? A Yes, sir.
Q Where did you move from when you moved down with your family? A From Fort Scott, near Fort Scott.
Q How far from where John Freeman was living? A About six miles, or seven from him.
Q You say, then, you left him up there when you come? A Yes, sir.
Q Did he have a family at that time? A Yes, sir.
Q Did he have a wife? A Yes, sir.
Q Did he have any children? A He had two as near as I own recollect
Q What were their names? A Nettie and Al.
Q Was Nettie his own child? A No, sir, stepchild.
Q But he had the two there? A Yes, sir, there with him.
Q Did they go by his name? A Yes, sir, by the name of Freeman.
Q Well, you say you moved from this place down to the Cherokee Nation where you now live, you left him there? A Yes, sir.
Q You know it was after that before you first saw him down in the Cherokee Nation? A It was in the winter of '67 when I saw him.
Q In the winter of '67? A Yes, sir.
Q Who did he come with the first time he come? A I couldn't tell you who all the first time.
Q Did he bring his family the first time? A No, sir.
Q Did he bring anything with him at all? A Yes, sir, some plows and one thing and another; tells one kind and another.
Q How far did he locate from you on Salt Creek? A 1 1/2 miles.
Q You had known him before the war? A Yes, sir.
Q And you had known him after the close of the war, in Fort Scott, Kansas? A Yes, sir.
Q You had known him up to the Spring before that? A Yes, sir.
Q You heard of him going in there did you? A Yes, sir.
Q You say he didn't bring his family that time? A No, sir.
Q When did he bring his family back to the Cherokee Nation? A It must have been the spring of '68 when he brought his family.
Q How long did he stay there the first time in the winter of '67? A I couldn't just say; not very long.
Q He brought some plows with him? A Yes, sir.
Q You think it was before Christmas in '67? A Yes, sir.
Q The last part of the winter of '67, was it? A Yes, sir, along in the winter of '67.
Q You say he located in about 1 1/2 miles of you? A Yes, sir.
Q Did he make that place? A Yes, sir, he made it.
Q Did he continue to live there? A He traded that off to a Delaware and he moved over there.
Q What was the Delaware's name? A Filmore Secondine.

Q How long did he live there before he traded with Filmore Secondine?
Q I couldn't tell just how long it was.
Q Well, how far does he now live from you? A About three miles.
Q he lives now upon this place he got from Secondine? A Yes, sir.
Q But when he first come there he settled within 1 1/2 miles of you?
A Yes, sir, and made a place himself.
Q That's where he first settled? A Yes, sir.
Q You say when Freeman first come down there he only stayed a short time and went back? A Yes, sir, only a short time.
Q Then he brought his family in the Spring of 1868? A Yes, sir.
Q How long would it take to go to Fort Scott and back, about how far?
A About four or five days.
Q One would not have to be gone long to go there and back? A No, sir.
Q Did Sam Webber bring his family when you came? A He did.
Q You come a little in advance? A I come in advance.
Q And they come after you? A Yes, sir, Sam Webber had his family when he come.
Q That is the same Sam that is alive up there at Nowata? A Yes, sir, there is two Sams.
Q The old man is dead? A Yes, sir.
Q His wife was dead before they moved here, wasn't she? A I guess so.
Q Did young Sam marry in Kansas? A Yes, sir.
Q Did he marry before or after he left up there? A After I left; he went back from down there; it wasn't the woman he lives with now; she is dead.
Q He brought the first one when the rest of the families were brought
A Yes, sir.
Q He brought her here when what was called the Webber detachment came? A Yes, sir.
Q About how long did you come before that Webber detachment come?

Mr. McKea: Objected to for the reason the return of Sam Webber to the Cherokee Nation is no issue in this case and has no connection or bearing upon this case whatever in any respect.

Commission: Objection will be noted and witness will answer the question.

A I don't know.
Q You don't know how long after you come that that so-called Webber detachment come? A No, sir, I don't know.
Q They come after you come? A Yes, sir, but I don't know the time.
Q You and your family was the first family that come there with women and children? A Yes, sir.
Q And these women and children and families come after that? A Yes sir.
Q And you come with your family in February, 1867? A Yes, sir.

By Mr. McKea:
Q Mr. Whitmire, you are quite positive to the statement of facts that you have testified to now are correct? A Yes, sir.
Q You are sure of that? A Yes, sir.
Q And you are positive that you cannot be mistaken? A I might be mistaken in some things. I don't dispute but what I might be mistaken in some things.
Q Isn't it possible that you are mistaken when you say that John Freeman returned to the Cherokee Nation in the latter part of 1867, when the matter fact of the matter is he returned between November, 1866, and January, 1867? A I am not mistaken.
Q You are positive of that? A Yes, sir.
Q You represent that you are a brother or half-brother of Moses Whitmire? A Yes, sir.
Q And a whole brother of Lewis Wright, is that correct? A Yes, sir.
Q You know when they returned to the Cherokee Nation? A Yes, sir.
Q Do you know who returned with them? A No, sir.
Q You don't know who returned with them? A I don't know who returned with them, except they that did come with them.

Q Who did return with him? A The brothers, Moses, Lewis, Nelson and Henry; I come ahead of them.
Q Do you know how many trips that your brothers, Moses and Lewis, made to the Cherokee Nation before settling here permanently? A No, sir I don't.
Q Now, your half-brother, Moses Whitmire, testified in this case at Chelsea, Indian Territory, on June 1, 1901, three years ago? A Yes sir.
Q He is a recognized citizen of the Cherokee Nation, your brothers are? A Yes, sir.
Q The same as yourself? A Yes, sir.
Q Your brother, Moses Whitmire, testified that he made three trips to the Cherokee Nation? A Yes, sir.

Mr. Hastings: The representatives of the Cherokee Nation object to this method of cross-examination, because this witness isn't giving Moses Whitmire's testimony, and the question or line of inquiry propounded by the attorney isn't proper cross-examination of this witness. It is proper to ask this witness upon cross-examination about anything developed in his examination in chief, but it is not proper to cross examine this witness upon testimony alleged to have been taken by other witnesses at different times in the trial of this case.

Commission: This is the Cherokee Nation's witness, and your cross-examination should be confined to matters brought out by the Nation's attorney, unless you wish to make him your own witness.

Mr. McRea: The attorney for the applicant desire to call the attention of the Commission to the fact that, in considering the final determination of these freedmen citizenship cases, much latitude has been given for the purpose of ascertaining all the facts, wherein the Commission may be guided to ascertain the true ~~citizen~~ship facts and status of the rights of applicants for admission to citizenship in the various nations.

Mr. Hastings: In reply the representatives of the Cherokee Nation desire to state that what the attorney says is in a great measure true, but under no latitude is it permissible to cross-examine one witness upon the testimony introduced by another witness.

Commission: Objection will be noted.

By Mr. McRea:
Q Your brother, Moses Whitmire, stated in his testimony that John Freeman returned to the Cherokee Nation some time in the fall of 1866 and that John come down as many as three times, are you prepared to dispute that statement?

Mr. Hastings: Objected to by the representatives of the Cherokee Nation, because it isn't proper cross-examination of this witness This witness is here to testify independently of his own knowledge and upon his own judgement, and not upon the judgement of others, and it is not proper cross-examination to ask him whether other witnesses made a mistake or not.

Commission: Objection will be noted and witness will answer.

A Yes, sir.
Q You say that statement isn't true? A No, it aint.
Q How, how do you know it isn't true? A I have reasons to know; I was right there when he come; Freeman come down twice to my knowledge ing; that is when he moved down and when he come down with Moses and went back and moved some chaps.
Q Then he did come to the Cherokee Nation at one of the times with your brother Moses, did he? A No, sir, he didn't.
Q How do you account for your statement just now made? A I said he come one time when Moses come; come along with Moses and hauled some things for him and went back, and I don't know ---
Q Who did he come with the next time ? A Don't know anything about that .
Q Then you are positive that he did come at one of the times that your brother, Moses, come? A Yes, sir.
Q Can you state, Mr. Whitmire, how many times your brother Moses came? A No, sir.

Q Did he come as many times as twice? A Yes, sir, as many as twice, maybe more.
You are satisfied that at one of the times mentioned John returned with him? A Yes, sir.
Q Now, do you know when your brother Mose returned the two times that he returned? A Yes, sir, I do.
Q State when? A I will have to study a while. Mose returned in '66 once or twice, and then he returned in '67, I believe, and different times; I couldn't just study what time.
Q Then you are positive that he returned as many as twice in '66?
A I don't know; I guess he did; backwards and forwards two or three different times.
Q In 1866? A As many as two or three times, I know, in '66.
Q Was it in '66? A Yes, sir.
Q Now, you have already stated that at one of the times mentioned of his return back here in 1866, that John Freeman accompanied him or come back with him?

Mr. Hastings: Objected to because it impeaches a statement not made by the witness. This witness has never stated that John Freeman came with Mose Whitmire in 1866. He says he hauled some things for Whitmire, but never stated that he hauled them in 1866, and the notes don't show it.

By the Commission:
Q Do you know what year it was that John Freeman accompanied your brother, Mose Whitmire, back to the Cherokee Nation? A Yes, sir.
Q What year? A '67.
Q What time of the year? A I don't just recollect just what month it was, but it was in the winter.

By Mr. McRae:
Q When did your brother Mose come? A Him and Mose come together.
Q Did you know John Freeman's wife? A Yes, sir.
Q What was her name? A His wife he had then was named Margaret.
Q Is she alive now? A No, sir, she is dead.
Q Was she the slave of a Cherokee citizen? A Yes, sir.
Q To whom did she belong? A To Lennenburg.
Q Did she go out during the war? A Yes, sir.
Q Where to? A Fort Scott.
Q Did she return? A Yes, sir.
Q When? A When Freeman did.
Q When was that? A In '67.
Q What time in the year '67? A It was in the winter time, I could not just tell the exact time.
Q In the early winter? A Along in the middle winter, I guess.
Q When were you first spoken to about testifying in this case?
A I have been spoken to, I couldn't tell just how long it has been.
Q About how long? A Sometime last week when I was spoken to about testifying in this case.
Q Were you ever spoken to before about your knowledge about the return of John Freeman and family? A Yes, sir, I don't know how many times.
Q When was the first time you were spoken to about it? A At Vinita, I guess.
Q How long ago has that been? A All the time since they commenced enrolling.
Q Well, did you go? A No, sir.
Q Why? A I couldn't; I was sick is the reason I didn't go.
Q You knew those same facts at that time, did you? A Yes, sir, knew them all the time.

By Mr. Hastings:
Q You say you lived up there in Fort Scott, Kansas, when John Freeman lived there? A Yes, sir, in three miles of Fort Scott.
Q And when you left there in February, 1867, you left him up there?
A I come in '66.

Q When you moved your family in '67 you left him? A Yes sir.
Q He was living on old man Carr's place? A Yes, sir.
Q And he come down here for the first time in the fall of '67 with some things? A Yes, sir.
Q Did John bring his wife that trip? A No, sir.
Q He went back and brought his wife in the Spring of '68? A Yes, sir.
Q Did your brother Rose make several trips to the Cherokee Nation? A Yes, sir, as many as two or three different trips that I know of.
Q When did he bring his family to the Cherokee Nation? A He bring his family to the Cherokee Nation about the first trip he made; I don't remember the time of his first trip.
Q When did he move his family, how long after you moved? A I believe I moved in the winter, and he come the next spring.
Q You moved, as you stated, in February, 18 67, and he moved in the Spring following? A Yes, sir.
Q Did Lewis come with him? A Yes, sir.
Q And that's when they moved their families? A Yes, sir.
Q And it was after this that John Freeman brought a load down there for him? A Yes, sir, it was after he come back that he brought a load for him.
Q But John, himself, didn't come down there until 1868? A No, sir.

By Mr. McRea:
Q I understood you to say, Mr. Whitmire, in your examination in chief that you lived six or seven miles from John Freeman, is that correct, in Kansas? A Yes, sir, that is correct.
Q Now how often would you see John Freeman during the year 1866? A I never seen him after I left there until he come here.
Q Did you see him at all in Kansas in 1866? A Yes, sir, I guess I did.
Q How often did you see him? A I couldn't say just how often.
Q Did you see him as often as once a month? A Yes, sir, I think I did.
Q What time in '66 did you return? A It was about, I can't recollect just what time.
Q What season of the year? A It was before Christmas; I don't recollect just exactly what time it was.
Q Then you left Freeman in Kansas? A Yes, sir, I left him in Kansas.

By the Commission:
Q Did you know any of the members of John Freeman's family in Kansas? A Yes, sir.
Q Did he have any children up there? A Yes, sir some stepchildren, and maybe one of his own.
Q When he returned with his family, as you state, in 1868, who composed the members of that family that he brought here? A He had his wife and three children.
Q Do you remember their names? A Yes, sir.
Q State their names? A Nettie was his oldest, his stepdaughter, and Al was his stepson, and then he had a daughter of his own named Caroline.
Q Did he have a son named George? A Yes, sir.
Q Did he bring that son back here with him? A Yes, sir, I think he was a baby when they come.
Q Do you know whether or not any of the members of that family had been in the Cherokee Nation since the war prior to that time, with the exception of this trip that John made with your brother? A I don't know.

Q But they were all living together up there in Kansas when you knew them? A Yes, sir.

By Mr. Hastings:
Q I believe you stated that the Cherokee Nation had made numerous efforts to get you to testify before the Commission, but had been unable to get you because you were sick? A Yes, sir.

(Continued by agreement until July 15, 1904)

Louise Smith, being first duly sworn, states that she made the foregoing copy and that same is a true and complete copy of a document on file with the Commission in Cherokee Freedmen Enrollment cases Nos. 458, 459, 460, 512 and 514.

Louise Smith

Subscribed and sworn to before me this 2, day of August, 1904.

Charles H Harper

Notary Public.

(C O P Y)

July 16, 1904.

APPEARANCES:

Applicant, George Freeman, in person and by attorneys, A. S. McRea and A. W. Blue.
Cherokee Nation by attorney, James S. Davenport.

FRANKLIN ROSS, being first duly sworn, testified as follows on behalf of the applicants.

By the Commission:
Q What is your name? A Franklin Ross.
Q How old are you? A About 57.
Q What is your postoffice? A Hayden.
Q Are you a Cherokee freedman? A Yes, sir
Q Do you know the applicants in this case, John and George Freeman, and their brothers and sisters? A Yes,sir.
Q How long have you known them? A About 38 years.

By Mr. McRea:
Q You are a recognized citizen of the Cherokee Nation? A Yes,sir.
Q When was the first time that you saw John Freeman, the father of George Freeman, in the Cherokee Nation? A In the fall of 1866, along about October.
Q At what place in the Cherokee Nation did you meet him? A On Lightning Creek where I saw him.
Q Had you any acquaintance with him before that meeting? A No,sir not then; he was with a man that I was acquainted with and they made me acquainted with him.
Q How long was it before you saw him again in the Cherokee Nation after you first saw him in the fall of 1866? A I saw him about the next year.
Q 1867? A Yes,sir.
Q Where was he then? A He was living on his place up there on Salt Creek.
Q In the Cherokee nation? A Yes,sir.
Q Has he resided continuously in the Cherokee Nation from 1867 up until the ~~person~~ present time? A Yes,sir, I have never known him to be out.
Q Now is he John Freeman, the father of the principal applicant, the same person whom you met in 1866? A Yes,sir.
Q In the Cherokee Nation? A Yes,sir.
Q You are acquainted with his son George and the other members of his family? A Yes,sir.

By Mr. Davenport:
Q Had you known John Freeman before the war? A No ,sir.
Q The first time you ever met him was when you met him on Lightning Creek? A Yes,sir.
Q Where were you living then? A On Prye's Creek
Q How far from Lightning Creek? About 28 miles, I guess.
Q When you met John Freeman where was he living? A He was down there fixing to build, living in camp.

Q Did he have his family with him? A No,sir, I didn't see any, He was there on Lightning Creek with Mose Whitmire.
Q Who do you refee to when you say they? A Mose.
Q I am not asking you about Mose, I am speaking about------?
A They were there on Lightning Creek fixing to build houses.
Q Did they have any women folks there? A Might have had; I didn't see any.
Q You had never seen John Freeman before? A No,sir.
Q And you didn't see him again until when? A The next year following, in the fall.
Q The fall of 1867 ? A Yes,sir.
Q Did you have any conversation when you saw him in the fall of 1867 as to where they were during the war? A They said they come from Fort Scott.
Q What makes you remember that it was 1866 that you saw him up there first with Mose Whitmire? A Because in the spring of 1866 I come home, and in the fall we went up there to hunt us some places that is how come me to know it was '66.
Q You didn't make any memorandum of the date when you went there? A No,sir.
Q Well, who was living up in that country at that time? A Nobody living around there; them men was there fixing to build some houses; just a wild country.
Q Did you see anyone else other than John Freeman and Mose Whitmire?
A I seen Nels Whitmire, Dick Whitmire and a whole lot more.
Q Nelson Murrell? A He lives away above there.
Q What did John Freeman have there in the way of a home or anything when you claim you saw him in 1866? A He hadn't built any.
Q He told you he had been to Fort Scott during the war? A Yes, sir.
Q When was that he told you that? A When I saw him there in the fall.
Q 1866 or 1867? A '66 the first time.
Q Where did he tell you his family was? A I didn't ask him.
Q Did he tell you that they had just moved back from Kansas or not?
A He didn't say; he was there building houses; he hadn't moved back, because he was there building.
Q Do you know his family? A Yes,sir.
Q When did his family move to the Cherokee Nation? A I don't know when. They was there in 1867 when I went back the next fall.
Q You are positive of that fact? A Yes,sir.
Q Were you ever to Fort Scott, Kansas, where they lived? A Never was at his house; was at Fort Scott in 1862 and left there in '63 .
Q You didn't know John until after the war? A No,sir, not until I seen him on Lightning Creek in '66.
Q You didn't know John Freeman when he lived on old man Labrum's place in Fort Scott, Kansas? A No,sir.
Q I will ask you if you couldn't be mistaken as to the year you first saw him on Lightning Creek? A No,sir.
Q I will ask you if John Freeman, together with his family, didn't live on Labrum's place in Fort Scott, Kansas, until the spring of 1868? A He couldn't have; I saw him up there in '66, and have been seeing him often and on since.
Q Do you state positively that they didn't live on old man Labrum's place near Fort Scott, Kansas , in 1867 and the early part of 1868?
A I say positively that they didn't; couldn't have been.
Q How far from where you claim John Freeman was located on Lightning Creek is it to where you were living in 1866? A About 28 miles as near as I can come at it.
Q How far were you living from the place you claim he located on in 1867? A He lived right in the neighborhood where I seen him; about two miles from there where I first seen him.

Q Who else was living there near him in 1867, when you say you saw his family living there with him? A A good many Inguns and Delawares.
Q What Delawares? A Henry Armstrong for one was living there close; I don't know the others.
Q There was Cal Coker living at that time? A Down on the river somewheres.
Q How far from Freeman's? A About four or five miles.
Q Where was Clem Rogers living at that time? A I don't know whether he had come back or not in 1867. I never seen Clem Rogers until along in '70.
Q Is there anything other than just your memory that you rely upon? That you rely upon that you saw John Freeman there in 1866? A No, sir, how come me to remember it so well, because I come home in the spring of '66, and that fall I went up there to hunt me a place and live there now.
Q You located that place when? A '66.
Q When did you move onto it? A In '73.
Q How often were you up to that place from the time you located it until the time you moved on it? A Nearly every month or two; then I stayed up there on the Verdigris and worked a good deal.
Q Who was living near John Freeman in 1867, when you say you saw him up there in 1867 with his family? A Henry Armstrong, a Delaware.
Q Henry Armstrong knows when John came there? A I don't know.
Q What other colored people were living there near John in 1867?
A Old man Mose and Dennis Wright, Lewis Wright and a whole lot of them.
Q There was none there but Mose in 1866? A His brothers was with him, Nelson and Lewis and Dick Whitmire, little Mose Whitmire.
Q Didn't you say a while ago that there was nobody but Mose and John there in 1866? A No, sir, I didn't say it.
Q Was Aaron Whitmire there? A I never seen him.
Q Did you ever see him up there? A Yes,sir, the other day.
Q When did John first learn about what you knew in this case?
A He knowed it all the time, been talking about it all the time.
Q Have you ever testified before in this case? A No,sir.
Q When were you first subpoenaed to come? A I was here the other times and you put it off.
Q How long had you been subpoenaed before that time? A He told me about it two or three weeks before that.
Q You were around with the enrolling Commission nearly all the time?
A No, sir
Q The greater part of the time? A Not all the time.
Q Well, quite often? A Yes,sir, quite often.
Q John Freeman was there when you were there? A I never seen him but once when I was there.
Q You seem to know the exact date when he came? A No,sir, I don't say I know the exact date; I said I saw him in October.
Q You remember the month? A Yes,sir, but not the day.
Q What makes you remember it was in October? A Because I remember the months I was there.
Q What month of the year did you go back there in 1867? A Along in about July, '67.
Q What month of the year did you go back in 1868? A I went in the Spring and stayed there on the Verdigris in March
Q What month did you go there in 1869? A I lived up there pretty near all the time after '68.
Q Do you want to be understood that from your memory you can remember the month that you went up on Lightning Creek, which took place about 37 years ago? A I recollect the month that I went up there.
Q You hadn't thought about that until this enrollment took place had you? A Yes,sir.
Q How many times? A I don't know.

Q You knew that John Freeman was on the doubtful roll? A Yes,sir,
Q You knew his citizenship was disputed? A Yes,sir, that wasn't nothing.
Q You don't know anything about where he lived in Kansas of your own knowledge? A I never saw him in Kansas.
Q Do you know anything about it of your own knowledge, whether he lived there? A No,sir, I didn't see him.
Q You did 't know anythin about his whereabouts or ownership before the war broke out? A No,sir.
Q And you never testified in his case before today, notwithstanding John Freeman has been on the doubtful roll and his citizenship disputed ever since the war? A That is for him to say; I don't know nothing about it.
Q Do you know as much about that as the time you undertook to fix when you first saw John Freeman and his family in the Cherokee Nation A I never fixed the time; he had his family here.
Q You know just as much about his citizenship being in dispute as you do aout the time he brought his family back? A No,sir.
Q Didn't you ever learn that John Freeman's citizenship was disputed? A Yes,sir, I heard them talk about it; never did know it for certain.
Q You attended the enrollment of the Wallace roll? A I went there and put down my name.
Q You knew John was in the country when that roll was made? A Yes sir.
Q You attended the making of the Kern-Clifton roll? A Yes,sir
Q And you attended the making of the roll and taking of the testimony by the Commission to the Five Civilized Tribes? A Yes,sir.
Q And didn't learn that John's citizenship was disputed? A No, sir.
Q When did you first learn that his citizenship was disputed?
A I know they disputed the citizenship of all of us.
Q I aint asking you that, when did you first learn that John's citizenship was disputed? A When the notice came back to him to furnish more evidence.
Q How far do you live from John Freeman? A About four miles.
Q How long have you been living that near him? A Ever since '73 I have been living there.
Q Do you want it understood that you have lived in four miles of John Freeman since 1873? A Yes,sir.
Q And that you didn't learn of his citizenship as a freedman citizen of the Cherokee Nation being in dispute? A No,sir, I didn't know it.

By Mr. McRea:
Q Mrs. Labrum who testified in behalf of the CherokeeNation on June 15, past, testified that she knew John Freeman, the father of the applicant, George Freeman, to remain in the State of Kansas, near Fort Scott, from 1866 until after October, 1867, could her statement be correct? A It Gouldn't be.
Q Then she is mistaken? A Yes,sir.

By Mr. Davenport:
Q You have testified in a number of freedmen cases? A A few.
Q About how many? A About 7 or 8
Q Haven't you testified in about 30 or 40? A I don't think so.
Q You don't know anything about Mrs. Labrum's testimony so you?
A No,sir, if she testified----------
Q Might not you be mistaken as well as she as to the date of John Freeman being in the Cherokee Nation? A I aint mistaken about seeing him.
Q Might you not be mistaken about seeing his family living therein 1867? A No,sir.

Q No possible chance for you to be mistaken? A No,sir, I know that I went there and got some water melons from hi m.

By Mr. McRea:
Q You were here and heard Mrs. Labrum testify, didn't you, in behalf of the Nation? A They wouldn't let us in here.
Q You were here on that day? A Yes,sir.

ANN SANDERS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Ann Sanders.
Q How old are you? A Something over 50
Q What is your postoffice address? A Hayden.
Q Are you a Cherokee Freedman? A Yes,sir.
Q Do you know the applicants in this case, John and George Freeman?
A yes,sir.

BY Mr. McRea:
Q How long have you known John Freeman, the father of George?
A Ever since I was big enough to recollect.
Q Did you know him when he lived at or around Fort Scott, Kansas?
A I lived at Lawrence; I knew him.
Q Did you see him during the war, in 1866? A Yes,sir.
Q Near Fort Scott? A Yes,sir.
Q Where at? A Right in Fort Scott, we were camped on a Creek coming to this country.
Q Did you have a conversation with him at the time you met him?
A Yes,sir.
Q State what that conversation was?

Mr. Davenport: The representatives of the Cherokee Nation object to that on the ground that declarations in the interest of a party plaintiff or defendant of the party, themselves, cannot be introduced either as direct evidence in their own interest or in rebuttal of evidence brought out by the opposing party, but only declarations against interest can be used against either party in the trial of any lawsuit.

Commission: The applicant will be permitted to answer the question subject to the objection of the attorney for the Cherokee Nation.

A We were camped there and Mr. Freeman and Sam Webber and Peter Weigs and several others, old man Mike Sanders, had returned from the Cherokee Nation, just come in, they said, that is what they said, had been building houses down on the Verdigris somewhere and had come for their families.
Q Had they just arrived? A Just come in; hadn't got home.
Q Did you see the teams they were driving? A Yes,sir, they were all out there.
Q What time of the year, 1866, was that? A Along in--- it was cold.
Q In the fall? A Yes,sir.
By Mr. Davenport:
Q How old are you? A I told you 50 something, I don't know exactly
Q Where were you raised A At Tahlequah.
Q Cherokee Nation? A Yes,sir.
Q Who was your former owner? A Nick Sanders.
Q You went away from the Cherokee Nation during the war? A Yes, sir.

Q Did your former owner go with you? A He didn't go with me; he went with the soldiers.
Q How long did you stay in Kansas? A I think it was in '63, when we went, and come back on '66.
Q To what point did you come when you came back? A Tahlequah.
Q Did you come back before or after the treaty was made? A Treaty was made in '66, I don't know; I know I come in '66.
Q Did you come back before or after the treaty, you know when it was made, don't you? A I heard William Ross make a speech at Tahlequah, telling all the freedmen to come home, saying that they had the same right that he did.
Q When was that? A After I come.
Q How long had you been back whenm you heard this speech? A We come in the winter and along in the spring like I went up there to see mother and William Ross made a speech.
Q You came back and got back to Tahlequah sometime in the winter and came on down to Fort Gibson and sometime the following Spring you heard William P. Ross make a speech in regard to the freedmen all coming back to the Cherokee Nation, is that correct? A I said we come to Tahlequah in the winter of '66, and sometime after that we come, Uncle Ben taken me to Fort Gibson and then I come back up there to see mother and there was speeking in the square there about the '66 treaty.
Q How long was it after you came back to Fort Gibson and then went back to Tahlequah and heard this speech? A I don't know.
Q A month or two? A I don't know.
Q Have you no recollection whatever as to when you learned about the treaty? A I tell you that is all I know.
Q Do you remember what you were doing in 1865? A I was there at home.
Q Where? A 1865?
Q Yes? A I was living at Lawrence.
Q Did you see John Freeman in 1865? A No,sir.
Q You testified to-day, didn't you, in a case that was heard here? A Yes,sir.
Q What case was that? A That Still case.
Q That Paulina Turk case? A Yes,sir.
Q How old were you when you claim to have met these parties at Fort Scott, Kansas? A I don't know, sir, just a young woman, I reckon I was a young woman.
Q Had you known any of these parties before the war? A Yes,sir.
Q When were you first spoken to about being a witness in this case? A Mr. Freeman asked me didn't I know about coming up to Lightning Creek and seeing them there.
Q When was that? A In '67.
Q I mean when did he speak to you about being witness? A To-day.
Q Is John Freeman here to-day ? A His son did.
Q Did I understand you to say that you went to Lightning Creek and saw them? A Yes,sir.
Q When did you tell that, I haven't heard you tell of it? A You hadn't asked me;-I yet; you asked me when did I see him.
Q When did he speak to you about being a witness? A To-day
Q You have been a witness in this case before to-day? A No,sir
Q He knew this all the time, about seeing you ? A I guess so.
Q Who did you first tell that you remembered seeing John Freeman up there? A I don't know.
Q You had never thought about it at all, had you? A Yes,sir.
Q You didn't think about------? A I didn't know it was him.
Q You knew that John and his family were living up there in Fort Scott, Kansas, in the fall of 1866? A Yes,sir.
Q Are you any relation to any of the family? A No,sir.
Q Did you know John Freeman before the war? A I knowed him when I seen him.

Q Aren't you mistaken about meeting John Freeman and Sam Webber and those people? A No,sir.
Q Who did you meet further down the line as you came back to the Cherokee Nation in the fall of 1866? A We would meet people and not know them and we would overtake some.
Q Who did you overtake? A Ben Grimmett, Polly Wildcat.
Q That was in 1866? A Yes,sir.
Q Who was the first party you met when you got back to Tahlequah? A My mother.
Q Who was the next party? A Mrs. Fish.
Q And you haven't talked with John Freeman about this evidence, have you or not? A I told you his son spoke to me to-day, didn't I remember when I seen him, and I told him, "yes,sir."
Q Who was in that crowd at that time you saw John Freeman? A Lewis and Mose Whitmire, Mike Sanders, Peter Meigs.
Q Anyone else? A Old man Sam Webber
Q Anyone else? A A good many, but I can't remember them all.
Q Was Nelson M'rrell along? A I didn't see him, I don't know; there was quite a crowd.
Q You had come down from Lawrence by the way of Fort Scott? A Yes, sir, I did.
Q What part of the month of October was it you saw him there? A Did I tell you October, no , sir.
Q What time of the year was it? A I told you it was cold.
Q What month was it? A I couldn't tell
Q What time did you get to Tahlequah? A I don't know; it was cold.
Q Before or after Christmas? A I don't know, about Christmas , I guess.
Q Didn't you testify to-day in that case that you got to Tahlequah in August, 1866? A No,sir.

By Mr. McRea:
Q When you met John Freeman and his crowd at Fort Scott, Kansas, were you enroute to the Cherokee Nation then? A Yes,sir.
Q When was the first time that you saw John Freeman and his family in the Cherokee Nation? A In '67.
Q Where were they living then? A Right where Filmore Secondine lives.
Q Do you recollect about what time in 1867 that was? A I couldn't tell; I know it was last of August or September sometime like that.
Q Have you continuously seen him in the Cherokee Nation since August or September or 1867? A Yes,sir, I seen him passing around.
Q Are you any relation to the applicant, John Freeman, and his family? A No,sir.
You have no interestmin the ultimate result of this case, have you? A No,sir.

Mr. Davenport: The Cherokee Nation asks that the testimony of Ann Sanders taken in the case of Paulina Turk be made a part of the record in this case.
Commission: The request of the Cherokee Nation's attorney will be complied with.

GEORGE WEST VANN, being first duly sworn, testified as follows

By the Commission:
Q What is your name? A George West Vann.
Q How old are you? A 53
Q What is your postoffice address? A Lenapah
Q Are you a Cherokee freedman? A Yes,sir.
Q Do you know the applicants inthis case, John and George Freeman and their families? A Yes,sir.

Q When did you first get acquainted with them? A First got acquainted with old man John Freeman in Kansas.
Q When? A In '65 I believe.
Q Where was he living then? A Up in Kansas, I didn't see him right to his home; I saw him in Fort Scott.

By Mr. McRea:
Q When was the first time you ever saw John Freeman in the Cherokee Nation? A In January, 1867.
Q Where at? A Cooweescoowee district
Q Did he have a family with him then? A Yes,sir, I ever saw but two children and his wife.
Q Where he now lives? A Yes, sir.
Q He is residing there now? A Yes,sir.
Have you continued to see him at different intervals? A Yes, sir, sometimes; he come down here where we live a time or two, on Spring Creek, and have seen him off and on until now.
Q He is the same John Freeman whom you saw or first met in '65, in Fort Scott; Kansas, and afterwards seen him in the Cherokee Nation with his family, about January, 1867? A Yes,sir, that is the same man.
Q Are you any relation to John Freeman, the father of the applicant George Freeman? A No sir
Q Have you any interest in the ultimate result or outcome of this case? A No,sir.

By Mr. Davenport:
Q Had you known John Freeman before the war? A No,sir.
Q When did you come back to the Cherokee Nation? A Got back in '66.
Q Who come back with you? A I couldn't count them every one.
Q Do you know the most of them? A Uncle Gilbert, Jess Shaw, Joe Bean, Tobe, Jack Bean, Ellis Vann, Eli Vann, David Vann, Susan Boles, Ibbie Daniels, Patsy Daniels, Phyllis Bean, Lou Bean, Walker Vann, Sam Vann, Aunt Chlora Choteau and her daughter, Louisa Choteau Toby Choteau.
Q You say you saw John Freeman in Fort Scott, Kan sas? A '65, time of Price's raid.

Q When did you next see him? A In January, '67
Q What causes you to remember it was January, 1867? A We were hunting stolen horses in '67, and I was through that country.
Q Who lived in that country at that time? A I saw the Wrights
Q How many of the Wrights? A I saw Mose, Aaron, Dennis, Uncle Jack Landrum, John Freeman and Uncle Sam Mosley.
Q Did you make any notation as to its being January, 1867? A I know it was, because we come down in the fall of '66, and it was after Christmas.
Q You don't know how long after Christmas? A Just after Christmas
Q You say John Freeman was living up there with his family in January, 1867? A Yes,sir.
Q On what place with reference to the place he lives on now? A He swapped places with Secondine and lives on the other plade.
Q How far are the places apart? A I judge about a mile
Q When did Secondine come down there and start this place? A '67 I think, it was.
Q He was a Delaware Indian? A Yes,sir.
Q And didn't come down and start this place until after the Delaware treaty was made? A I know there wasn't no Delawares living there when I saw them.
Q You knew Filmore Secondine during his lifetime? A Yes,sir.
Q You heard him testify in this case once did you? A Yes, sir, I think so.

Q Didn't you hear him say there wasn't nobody living there in that neighborhood? A I heard lots of people say I didn't come back,too.
Q You didn't prove that you were up on Lightning Creek? A No,sir they didn't ask me; I could have.
Q You don't know when John Freeman began his place up there?
A There wasn't much done on the place when I was there.
Q Was there any broke land? A I don't recollect seeing any; I just saw a little old cabin.
Q Who lived near at that time? A Aaron and a lot of them; Albert Morris I think was in, Al Morris , but that other man I can't think of his name-- Sam-----
Q He is dead now? A Yes,sir, I guess he is.
Q Where was Henry Armstrong living then? A He wasn't there; I didn't see him.
Q Can you think of anyone that is living other than those people you have mentioned? A I just seen them there then.
Q There was your home there then? A On Spring Creek.
Q In Tahlequah District? A No,sir, Saline.
Q On the east side of the Grand River? A Yes,sir.
Q You were hunting stolen horses then, were you? A I was hunting stolen horses and come down by old Bob Daniels, across the river, on the Verdigris.
Q There were no roads through that country at that time? A No, sir, grass was high as a man on a horse.
Q The old military road leading to Fort Gibson from Fort Scott, Kansas, wasn't there? A It was away this way; the old California road run out that way.
Q Was that the first time that you had been up in that country on the Verdigris since the war? A Yes,sir.
Q Had you been there before the war? A Yes,sir.
Q Who lived up ~~there~~ in there before the war? A I don't know, nobody, Charley Rogers and them Coodys.
Q How far is this place where John Freeman lived from the old Coody place? A About three miles, I guess.
Q Had the old man Coody and the folks returned when you were there in January? A didn't see none of them.

Mr. Davenport: The representatives of the Cherokee Nation be-move that this case be continued until July 28, 1904, in order to enable them to procure the attendance of James Labrum, who is at his home sick and unable to attend at this time, the sickness being shown by certificate of Dr. E.B. A. McLeMore of Fort Scott, Kansas said James Labrum has been regularly subpoenaed to attend.

Mr. McRea: Comes now the applicants attorneys and object to the a ove otion of attorneys for the Cherokee Nation for the reason that it was at the solicitation of the representatives of the Cherokee Nation that this case was continued from June 15, 1904, until July 16, 1904, for the purpose of introducing the testimony of the witness herein alleged, and the representatives of the applicants agreeing thereto.

Commission: Sufficient cause being shown by the attorney for the Cherokee Nation for the request of the continuance, same will be granted, and this case is continued until nine o'clock A. M. July 28, 1904, at which time the final hearing will be had therein.

July 28, Continued by agreement until July 29, 1904.

July 29, 1904.
APPEARANCES:
Applicant, George Freeman appears in person and by attorneys A. S. McRea and R. W. Blue.
Cherokee Nation by its attorney, James S. Davenport.

SAM WEBBER, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:
Q What is your name? A Sam Webber.
Q How old are you? A Nearly 60
Q What is your postoffice address? A Nowata.
Q You are a Cherokee freedman? A Yes,sir.
Q Do you know the applicants in this case, John and George Freeman?
A Yes,sir.
Q How long have you known them? A Ever since time of the war.

By. Mr. McRea:
Q Mr. Webber, you are an authenticated citizen of the Cherokee Nation, are you not? A Yes,sir.
Q Where was the first time you ever met John Freeman, the father of the a plicant, George Freeman , in the Cherokee Nation, state when and where you met him? A We come to Big Creek and built us some houses in the Cherokee Nation and went back to Kansas and Lewis Whitmire, or Wright, and Mose Whitmire came down with us in July, the latter part of July, '66, and in August, '66, we put us up some log cabins and went back , and along about two months after that, why we come back, but left Lewis and Mose Whitmire and them in Kansas and after we come to the Territory Lewis and Mose Whitmire and John Freeman and a lot come on down behind us and came where we were liv - ing.
Q That was sometime in the month of November, was it? A It was along in October or November, I aint certain what month, but it was one of them, and John Freeman and Lewis Whitmire had spliced teams; they had a yoke of steers apiece and spliced ~~them~~ teams.
Q Have you continued to see John Freeman and George Freeman in the Cherokee Nation since you met j him in the year 1866? A John Freeman built a house and got Lewis Whitmire to make boards and cover it, and and he went back for his family, John Freeman did.
Q And John and his family have continuously resided in the Cherokee Nation ever since? A Yes,sir, ever since.
Q Are you acquainted with Aaron Wright? A Yes,sir
Q On or about the 17th day of June, last, Aaron Wright was introduced by the Cherokee Nation and testified that he knew the applicant, John Freeman, in the State of Kansas, in the year 1866, that he continuously resided therein until in and about the latter part of the year 1867, or the early spring of 1868, state whether or not that statement is true or correct? A It can't be, for one reason, in June, 1867, John Freeman broke some prairie for me, I couldn't finish it, my steers died, and he finished it for me in June '67, and I put in some corn and raised some pretty fair corn. I gave him some shoats for breaking the land for me.
Q This is the same John Freeman, the applicant, whom you met in 1866? A The same man.
Q And who broke out land for you in June 1867? A Yes,sir.

By Mr. Davenport:
Q You have been with the Commission during its enrolling all the time
A Yes,sir.
Q About how many cases have you been a witness in? A I don't know
Q How many do you think? A I haven't kept account, I just witness for the people I know, and I never tried to count them. Sometimes I would witness for old heads and they had children and grandchildren and they had children, and I never kept any account of them.
Q I will ask you if, during the work of what was called the field work, if you didn't testify in 64 different cases? A I don't know about that.
Q Commencing with Nos. 216 and going up to No. 1099, the number of cases between the two numbers given that you testified in being 64?
A It may have been; I don't know. that.
Q When was it, you say, that John Freeman came first to the Cherokee Nation? A He come down sometime in November or October, I don8t know which, with Lewis Wright and Mose Whitmire, or Wright, and several others.

Q
Q October of what year? A 1866
Q You were not in that crowd? A I was ahead of it; it come on down after we did.
Q Was that the time you come ahead of it, was that the first time you come? A No,sir, that was my second trip; I had been here in the fall of '65; '66 caught me down here in the Territory.
Q When did you move your family down? A I had no family and father had no family.
Q You lived in family in 1865, didn't you Sam? A Yes,sir, father did, too, and made a crop there.
Q In 1866? A Yes,sir.
Q You testified in Freedmen Doubtful 216, Aaron Webber, didn't you? A Yes,sir, that was my youngest brother, baby brother.
Q You came to the Cherokee Nation with the Sanders, didn't you, Reuben? A Yes,sir, our first trip, we come together in July.
Q That was the time that Reuben Sanders' wagon was searched, looking for Dyer Mayford, wasn't it? A No not that time.
Q Do you remember the circumstance of Lil Mackey killing Mayford near Fort Scott, Kansas? A Yes,sir.
Q Where were you at that time? A On Big Creek, Cherokee Nation.
Q You didn't come, I believe you say, with John Freeman and the family? A No,sir, I didn't.
Q You don't know exactly when he did come, do you? A Yes,sir, right at it
Q You testified in the case Freedmen Doubtful 607, didn't you, known as the Abraham Ward case? A Yes,sir.
Q When did Ward come with reference to when Freeman came? A He come just ahead of Freeman , him and his father and brother.
Q You also testified in Freedmen Doubtful 5[illegible], William H. Buffington didn't you? A Yes,sir.
Q When did Buffington come with reference to when Freeman came? A I saw Buffington up in Timber Hill, Cherokee Nation, after that.
Q Did you see Buffington before you saw Freeman? A After I saw Freeman.
Q You also testified in Freedmen 671, Elizabeth Duncan? A Yes, sir.
Q You testified she came in 1866, too? A No,sir.

Mr. McRea: Comes now the attorneys for the applicants and object to the mode of cross-examination by the representatives of the Cherokee Nation, especially upon the interrogatories propounded as to the statements of witness in other cases heretofore testified to in, for the reason that the witness isn't confronted with the statements as set out by the stenographic notes in said cases; hence the within interrogatories are incompetent and inadmissible, and it is further objected to, if it be the purpose of the representatives of the Cherokee Nation to impeach the testimony of the witness upon statements heretofore made, as the witness' attention thereto should be called to the statements therein mentioned by him made.
Commission: Objection noted.

Q You are the same Sam Webber that testified in Freedmen Doubtful 548, Nelson Murrell, are you not? A Yes,sir.
Q You lived in the same neighborhood with John Freeman in Kansas during the war? A I lived about 18 miles from him; I was always at Fort Scott every week or two.
Q Right around where he was? A I was there in Fort Scott and would meet him.
Q Meet him every time you would to to Fort Scott? A Not every time, but often enough to know it was John Freeman.

By Mr. McRea:
Q The party or parties in whose interest you testified to you were acquainted with them, were you not? A Yes,sir.

Q You were acquainted with more than 64 or 100 persons, so far as that is concerned in the Cherokee Nation, were you not?
A Yes,sir, more than that.
Q Are you any relation to the applicants, John Freeman and his son, George? A No,sir.
Q Have you any interest in the outcome of this case? A No,sir.

By Mr. Davenport:
Haven't you been in continuous attendance at the different places where the Commission has set for the purpose of taking testimony in freedmen cases since they began making the freedmen roll?A Yes, sir, all except Tahlequah, I didn't go there, and Fort Gibson, I didn't go there.
Why did you attend all those sittings if you were not interested in the outcome of the cases? A They would come after me to go and witness for them, and I would go.
You were simply that well known as a standing witness? A Yes, sir, if they want me.

Mr. Davenport: The representatives of the Cherokee Nation desire to call the Commission's attention to the action and the decision of the Commission in Freedmen Doubtful 548, Nelson Murrell, F.D. 607, Abraham Ward, N.D. William L. Buffington and F.D. 671 Elizabeth Duncan, and ask that the decisions in these cases be referred to when they make up decision in this case.
Mr. Blue: To that the counsel for the applicants object for the reason that said decisions are based upon the testimony where this applicant had no opportunity to cross examine the witnesses or meet them face to face to hear what they had to say , nor did the applicants have any opportunity in said cases to rebut the testimony that was offered or to chalenge the attention of the witnesses for the Cherokee Nation to the time when these applicants came to the Cherokee Nation after the ratification of the treaty, or to investigate the testimony of said witnesses so as to be able to look up the testimony to rebut the statements of the witnesses on behalf of the Cherokee Nation. Said decisions and other matters of record offered by the counsel for the Cherokee Nation are incompetent, irrelevant and immaterial in this case.
Commission: The request of the attorney for the Cherokee Nation and the objections of the applicants' attorneys will be noted in this record for the consideration of the Commission.
Mr. Blue: Counsel for the applicants in this case, if the decisions and cases referred to by counsel for the Cherokee Nation and offered in evidence here are admitted, move to strike all of said decisions, matters and things that the Cherokee Nation takes as evidence in this case from the evidence herein, for the reasons above stated. If the decisions and records are to be admitted and considered by the Commission, counsel for the applicants in this case ask to be permitted to bring other witnesses in this case to disprove the statements of the witnesses in these cases in which the decisions are offered so far as they relate to this case; and that the witnesses whose testimony was offered in these cases and upon whose which decisions were rendered be brought back for the purpose of cross examination in this case before the final decision is rendered herein.
Mr. Davenport: The representatives of the Cherokee Nation desire to ask of the representatives of the applicants if they are desiring to-day to close this case. If they are not, we ask that they fix a day when they will announce closed, and we will stand upon our request that the Commission make reference to the decisions named and either get the reference made or denied us, without the testimony being opened up at a future day.

Commission: The attorney for the Cherokee Nation will be requested to state for this record the object for calling the Commission's attention to the various cases mentioned in his request.

Mr. Davenport: The representatives of the Cherokee Nation desire in making the request that the Commission , in making up this case, make reference to [illegible] D. 607, [illegible] D. 555 and [illegible] D 671, upon the ground that they desire to identify Sam Webber, who testified in the [illegible] as being one and the same Sam Webber who testified in the [illegible] named, and for the purpose of showing what interest he has taken in all of the doubtful cases before this Commission, in which he has testified.

Mr. [illegible]: The same objections made above are made to this offer of proof, and the same motion made above is made to this testimony offered by the [illegible] to strike it out.

Mr. Davenport: The representatives of the Cherokee Nation move to strike that out, for the reason that it is a subsequent statement made by the Cherokee Nation and was made at the request of the Commission as to the reason they had asked to have these cases referred to.

Commission : The statement of the attorneys for both sides will be noted in this record.

Mr. [illegible]: I make the same request in regard to the cross-examination of the witness that I made above.

Commission: Statement of the applicants' attorney will be noted in the record.

Mr. [illegible]: In reply to the request of the counsel for the Cherokee Nation to [illegible] whether or not the applicant closed his testimony now, counsel for the applicant say that the testimony on their part is now closed, unless under the offer of the decisions and other matters of record by the Cherokee counsel as above stated, the Commission should take into consideration the testimony offered in the cases stated and offered by the counsel for the Cherokee Nation herein if the Commission should consider the testimony in these cases in which the decisions are offered, then counsel for the applicants in this case insist on their request to have an opportunity to cross-examine the witnesses and rebut the testimony which they consider in the cases offered. In other words, the testimony is now closed on the part of the applicants herein, unless testimony in the in the cases offered by counsel for the Cherokee Nation is considered.

Mr. Davenport: If the Commission is ready to close the evidence in this case, the Cherokee Nation has closed without any subsequent conditionm whatever.

Commission: It is understood from the statement of the Cherokee Nation's attorney that they desire to offer no further testimony and that they don't offer anything in the way of testimony or decision as a part of the record in this case. It is also considered that both the applicants and the Cherokee Nation have had ample opportunity to introduce anything which they might desire and which would be competent in this case, and the case is now considered closed. The motions, requests and objections of both parties in regard to certain records have been entered for consideration of the full Commission.

The attorneys for the applicants will be given 15 days within which to file a brief in this case and will be required to file a copy with the Cherokee Nation's attorneys.

H. M. Vance, being first duly sworn , states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) H. M. Vance.

Subscribed and sworn to before me this the first day of August, 1904.

(Signed) Charles H. Sawyer
Notary Public.

SEAL

Lucy M. Bowman, being first duly sworn states that as stenographer to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a full true and correct copy of the original transcript.

Lucy M Bowman

Subscribed and sworn to before me this 11 Day of August, 1904

Charles H. Sawyer
Notary Public

Cherokee Freedmen D 565.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JULY 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of PAULINA TURK, ET AL., as Cherokee freedmen.

It appears that on June 30, 1904, the applicant, Paulina Turk, her attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on July 16, 1904, and introduce further testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant in person and by attorney, R.W. Blue.
Cherokee Nation by its representative, James S. Davenport.

ANN SANDERS, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:
Q What is your name? A Ann Sanders.
Q How old are you? A 50 something, don't know exactly.
Q What is your postoffice address? A Hayden.
Q Are you a Cherokee freedman? A Yes,sir.
Q Do you know the applicant in this case, Paulina Turk? A Yes,sir.
Q How long have you known her? A First time I seen her was in along last of August or September, '67, but I knew her mother ever since I was a girl.
Q What was her mother's name? A Nancy Still.
Q Do you know whether or not Nancy Still was the slave of a Cherokee citizen before the war ? A Her master said it was his slave.
Q Who did she belong to? A Cook Still.
Q Citizen by blood of the Cherokee Nation? A Yes,sir.
Q Where did he live before the war? A His home was Going Snake; just going about; my mother's sometimes; just first one place and then another; didn't have a certain home.
Q Did Nancy Still belong to him when the war come up? A He said so.
Q You don't know yourself? A I just know what he said.
Q Where was Nancy living when the war come up? A When we went to Kansas, she was working in Tahlequah.
Q Who was she living with? A She was working out.
Q Who for? A For Jess Wolfe; I don't know just exactly.
Q How old is the applicant, Paulina Turk? A I don't know; when I knew Nancy she never had but one child to my knowing and that was a boy.
Q Do you know whether Nancy went out of the Nation during the war?
A Yes,sir, my uncle taken her out.
Q Where to? A Paola, Kansas.
Q Do you know whether or not Paulina Turk has any children?
A Yes,sir.
Q Do you know a child of hers by the name of Ada Prophet? A Yes, sir.
Q Is that child living now and living with the applicant? A Yes, sir, she is living; they call her Etta, I suppose it is the same.

Q Do you know Harry Prophet, who is said to have been the father of that child? A Yes,sir.
Q Is he living now? A No,sir.
Q Do you know whether or not he was a citizen of the Cherokee Nation? A I couldn't say; they said he was.
Q You don't know? A I don't know anything only they lived close to me and said he was.
Q was he a colored man? A Yes,sir.
Q Do you know whether or not this man Harry Prophet ever lived with Paulina Turk? A Yes,sir, he lived with her.
Q For how long a time did they live together? A Something over a year; I don't just remember; they lived in about 2 1/2 miles of me.
Q Do you know whether this child Etta or Ada was born during that time? A She was born soon afterwards.
Q About how long? A I couldn't tell, but she was born born afterwards .
Q To the best of your knowledge? A I couldn't just tell, but soon afterwards.
Q A year afterwards? A No,sir, a short time afterwards, after she left him her brother had to take her and take care of her until the child was born; I know she wasn't able to take care of herself.

By Mr. Blue:
Q What did you say was the name of the master of Nancy Still?
A Cook Still.
Q Where did you last see him? A The last time I seen Cook Still we were going to Sanders', Ben Sanders ' raised me and taken us to Kansas; we were camped at May's Mill for several days, and he come down there in the afternoon, and so he told my uncle, he says,"I come to tell you all goodbye," and told him he come down to tell Nancy goodbye and told Ben he wanted him to take good care of Nancy, and says, "She was my nigger and I leave her as a sister", and says, " I am going away and give the rebels hell."
Q Where was Nancy then? A Right there holding the child in her lap.
Q Was that Paulina? A I don't know about Paulina.
To whom did Cook Still refer when he said Nancy Still? A He was talking to my uncle and she was sitting there.
Q What was your uncle's name? A Ben Sanders.
Q Do you remember the date of that conversation? A I can't really I was a girl; I think it was in '62 or '3, first of '63 we left home in the Christmas I remember well.
Q Christmas of some year? A I think in '62.
Q Was the war going on? A Yes,sir, the war was going on , because Cook Still, they come in home Christmas morning, the soldiers, and Nancy was at our house.
Q Where was this mill that you speak of? A I couldn't tell you now; up that way somewhere.
Q was this conversation at the mill? A Camped on a creek.
Q Was that in the Cherokee Nation? A Yes,sir, I think so.
Q He said at that time that she was his nigger and to take good care of her? A Yes, he did, him and several other men.
Q Where did you say Nancy first got with you people? A When we first started at Tahlequah.
Q Did she come to you there? A When I seen her she was there.
Q Was there a good crowd of you starting north then? A Yes,sir, a good many.
Q When did you see Nancy Still there? A The last time, I believe I seen her once afterwards in Lawrence.
Q When was that? A It was, I guess, about in '64, sometime I couldn't really remember.
Q Is she living yet? A They say she is dead.
Q You don't know about that? A No,sir, I guess she is, though.

Q In regard to Harry Prophet, when did you first see him, if you remember? A First seen Harry Prophet , been about 14 or 15 years; before they paid off that Wallace money at Vinita.
Q Where was he residing at the time you first saw him? A I never was at the place; I heard it.
Q Where did you first see him? A At Mr. Hughes .
Q Where was that? A On Lightning Creek.
Q Cherokee Nation? A Yes, sir.
Q Do you know whether or not he was a Cherokee freedman? A No, sir, I couldn't swear it; I have heard it; I don't know.
Q Where did he and Paulina live together? A About 2 1/2 miles from home.
Q From your home? A Yes,sir.
Q Where was that? A On the road to Chelsea; we lived right close to the road as you go to Chelsea from Hayden.
Q About where did you live at that time? A Right where I am now.
Q How far is that from Chelsea? A Eight miles.
Q That distance from Hayden? A About two miles.

By Mr. Davenport:
Q In what part of the Cherokee Nation do you live? A Hayden, Cooweescoowee.
Q How far do you live from Paulina Turk? A Now?
Q Yes. A I guess it is about four miles.
Q Where were you living when the war broke out, and with whom?
A I was living right in Tahlequah.
Q With whom? A Ben Sanders.
Q Where was it that you saw Cook Still, when was it with reference to the breaking out of the war? A I seen Cook all the time of the breaking out of the war.
Q How long after the war broke out? A I think it was about '62 or '3, I think so; Uncle Ben said it was '62 when we left it was in Christmass.
Q Don't you know it to be a fact that Cook Still was killed right at the beginning of the war? A He was killed the very night he come to out camp; I can prove it; John Meigs come to our camp with him and that was when he was telling them goodbye; the next day the report come back that Cook Still was killed, and this Nancy Still was crying.
Q Was Nancy Still the mother of Paulina? A That is what they say.
Q You don't know anything about that of your own knowledge?
A That is what they say.
Q You were camped then at Ray's Mill? A Yes,sir.
Q Near Cincinnatti, Arkansas? A I think so.
Q It was in Arkansas? A I don't know; it was Ray's Mill.
Q How large were you then? A A good big girl.
Q About how old? A About 12.
Q How old was Nancy Still? A I couldn't tell you.
Q Older or younger than you? A She was-a had a baby.
Q She was a grown woman then and you were a girl? A Yes, sir.
Q When did she leave your people? A We went from there to the Neosho and went from there to Fort Scott and then Ben took her to her brother's in Paola, Rube Still, and we went to Lawrence.
Q When did you next see her after you left her at Paola? A I saw her in Lawrence, I think, in '64, not so awful long afterwards.
Q After '64 where did you next see her? A Not until at all
Q Did she die up about Lawrence somewheres? A I don't know.
Q You don't know then anything about Nancy Still or what became of her after you saw her in Lawrence in '64 ? A No,sir.
Q All that you know about Paulina being her girl is the representations made to you by other parties? A That is what her father said; I don't know; her father said that this was her mother.

Q When did you first see Paulina Turk, give the year? A I seen her in '67?
Q What part of '67? A I saw her on Lightning.
Q What part of '67? A Along the last of August, as near as I can tell.
Q Where were you living at the time you say Paulina Turk first?
A I was living at Tahlequah, but I went from Tahlequah out to visit my sister, and there is where I seen her at.
Q When did you move out to the Verdigris country? A I went out there in '67 and went back to Tahlequah and just kept going when I got ready, about 20 years ago I moved out there and made me a place
Q You moved to Verdigris about 20 years ago? A Yes,sir.
Q How far did you live from Betsy Sanders? A About three miles.
Q Is she any relation of yours? A Yes,sir.
Q When did she move out there? A I couldn't tell you; I really don't know.
Q Was she living out there when you moved out there? A Yes,sir she was living there when I moved out there.
Q You don't know anything about where she came to after the war?
A To Tahlequah.

By Mr. Blue:
A When Cook Still was living about, as you say he did from place to place, where was Nancy Still, his slave? A She was working out; I couldn't tell the very place; she would come to our place at night; she would be working at different places.
Q Was she hired out? A Yes,sir, Mr. Still was a man, he never had really a certain home.
Q Did he keep her hired out all the time? A Yes,sir, and Rube Still went with him.
Q Who was Rube Still? A His nigger, but he went with him.
Q Was that his slave? A Yes,sir, he said it was.
Q Do I understand you that he said on the day before he was killed that this Nancy Still was his nigger? A He said so.

By Mr. Davenport:
Q Did I understand you to answer Col. Blue and tell him that Cook Still kept her hired out before the war? A I know she was working.
Q Do you know of your own knowledge that Cook Still had her hired out when the war began? A He said so, I have got to tell you what he said.
Q Did he tell you that he had Nancy hired out at the time the war began? A He didn't tell me; I heard him tell uncle Ben.
Q Did you hear Cook Still tell anybody that he had Nancy Still hired out at the time the war began? A yes,sir.
Q Who was it and who was present? A My uncle and me and my sister and several others; I couldn't tell; a girl couldn't remember everything.
Q You seem to remember the words pretty well, very definitely, why can't you remember the parties that were present? A I know what I remember.
Q I will ask you if you don't know that Cook Still sold Nancy before the war began? A No, sir, I never heard it until here lately.
Q Didn't Cook Still have a regular home out from Tahlequah where he lived? A He may have, but he didn't stay there.
Q You were a 12 year old girl at that time. A Yes sir.
Q And you remember that he was around there all the time? A There wasn't a week passed that Cook Still wasn't at uncle Ben's at night; he would slip in at night, midnight sometimes.
Q What made him slip in at night before the war began? A He said he was scouting.
Q That was before the war began? A Yes,sir.

By the Commission:
Q Do you know who collected the wages earned by Nancy Still at the time you state she was hired out just before the war? A No, sir, I don't.

ANN SANDERS, re-called for additional cross-examination, testified as follows:

By Mr. Davenport :
Q I believe you said Betsy Whitmire came back to Tahlequah after the war? A Yes,sir.

Mr. Blue: We object to that, for the reason that it doesn't seem to be competent in any sense.
Commission: Objection noted.
Q How long did she stay at Tahlequah after the war until she went to Big Creek or Lightning Creek ?

MR. Blue: Objected to as incompetent, immaterial and irrelevant and not cross-examination of any matter brought out, and seeming to be for the purpose of getting testimony in some other case.
Commission: Objection noted; witness will answer.

A Well , Uncle Ben come in '66, and he taken me , I was a girl, to Jerry Jones' at Fort Gibson, and my sister was at Tahlequah, and I couldn't tell where she went or how long she stayed, but I stayed at Jones' at Fort Gibson until '67, in school until the cholera broke out there, and then Mr. Jones went up to Tahlequah and we scattered everywhere, and the last part of '67, I went up to Big Creek to see mother and she was there .
Q You don't know what time of the year '67 she went to Big Creek?
A No sir.
Was it in 1867 or 1866 that she went there? A I aint certain but I think in '67; she was her own woman and I was under age, and I couldn't keep track of the grown ones .
Q Did you go in 1866 or 1867 to Fort Gibson ? A '67
Q Where was Betsy Whitmire living then? A I think, if I aint mistaken, she was gone to Big Creek, if I aint mistaken.

o-o-o-o-o-o-o-o-o-o

H. M. Vance, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause,,and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) H. M. Vance.

Subscribed and sworn to before me this the 1st day of August, 1904.

(Signed) Charles H. Sawyer
Notary Public.

xxxxxxxxxx
x [illegible] xx
xxxxxxxxxx

Lucy M. Bowman being first duly sworn states that as stenographer to the Commission to the FiveCivilized Tribes she made the above and foregoing copy and that the same is a full and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 3rd day of August, 1904.

Charles H. Sawyer
Notary Public.

a7ms

Cherokee Freedmen D 459

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George Freeman, Carrie Freeman and Annie Freeman, as Cherokee Freedman.

O R D E R .

It is ordered that copies of the testimony taken June 1 and 6, 1901, at Chelsea, Indian Territory, its decision rendered by this Commission March 11, 1904, and Departmental letter of December 3, 1904 (I.T.D. 10738-04), in re applications of John J. Rose et al., and Emily Nelen et al., for enrollment as Cherokee Freedmen, cases Nos. D 474 and D 511, be filed with and made part of the record in Cherokee freedman case No. D 459.

T. B. Needles.
Commissioner

Dated at Muskogee, Indian Territory,
this APR 10 1905

O.F.J.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Freeman et al., as Cherokee Freedmen, consolidating the applications of

John Freeman et al.,	Cherokee	Freedmen	D 458,
George Freeman et al.,	"	"	D 459
Osa Freeman	"	"	D 460,
Eliza Cannon,	"	"	D 612,
Mary Thompson et al.,	"	"	D 614.

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by John Freeman for himself and wife, Nettie Freeman, and minor children, John H., Elnora, Charlie, Jesse, Walter, Luther and Arizona Freeman; thereafter, on April 21, 1902, there was filed with this Commission an affidavit showing the birth on February 25, 1902, of Ora Freeman, child of the said applicants, John and Nettie Freeman; by George Freeman for himself and wife, Carrie Freeman, and minor child, Annie Freeman; by Osa Freeman for himself; by Eliza Cannon for herself; and by Mary Thompson for herself and minor children, Clarence, Ethel and Bessie Thompson.

The record further shows that on July 1, 1903, the Commission rendered its decision herein granting all the above named applicants except Carrie Freeman, and denying the said Carrie Freeman, the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded to the Department; thereafter, on April 4, 1904 (Departmental letter I.T.D. 842-04), on motion of the Cherokee Nation, the Department reopened this case and returned same for further proceedings. Supplemental testimony in the matter of said applications was taken June 15, and 18, and July 16, and 29, 1904, at Muskogee, Indian Territory. Copies of the testimony taken June 1, and 5, 1901, at Chelsea, Indian Territory, its decision rendered by this Commission on March 11, 1904, and Departmental letter of December 3, 1904, in re applications of John J. Rose et al., and Emily Nolen et al., for enrollment as Cherokee freedmen, Doubtful cases Nos. 474 and 511; and of

the testimony taken July 2, 1901, at Nowata, Indian Territory, its decision rendered by this Commission on July 23, 1904, and Departmental letter of September 23, 1904, in re application of George Thompson Jr., for enrollment as a Cherokee Freedman, Doubtful case No. D 1026, are filed herewith and made a part of the record herein.

The evidence in this case shows that the applicant, John Freeman, his former wife, Margaret Freeman, deceased, and his present wife, the applicant, Nettie Freeman, were slaves of Cherokee citizens at the commencement of the rebellion, were removed from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said nation; that the applicant, Carrie Freeman, is the daughter of one John J. Rose, a non-citizen of the Cherokee Nation and one Emily Nolen, was born since the commencement of the rebellion, and possesses no rights to enrollment other than as a descendant of her said parents. In Cherokee Freedman D 511, the Commission has heretofore found that the said Emily Nolen possesses no rights to enrollment as a Cherokee freedman, and on December 3, 1904, its finding was approved by the Department; and that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said applicants, John, Nettie and Carrie Freeman, and the said Margaret Freeman, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants. In Cherokee freedman D 1026, the Commission has heretofore found that one George Thompson Jr., father of the applicants, Clarence, Ethel and Jessie Thompson, possesses no rights to enrollment as a Cherokee freedman, and on September 23, 1904, its finding was approved by the Department.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any applicant herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

It is claimed, on the part of the principal applicant herein, that he, his former wife, Margaret Freeman, and his present wife, Nettie Freeman, returned to the Cherokee Nation in the fall of 1866, in company with Moses Whitmire, Lewis Whitmire, Dennis Whitmire and Sam Webber, and, in this statement he is corroborated by the testimony of Lewis Whitmire, Moses Whitmire, Sam Webber, Franklin Ross and George W. Vann.

The Cherokee Nation contends that said three parties first above named did not return to the Cherokee Nation until the winter or spring of 1868, and in support of their contention, have filed with and made a part of the record in this case, a copy of the testimony of Lewis Whitmire, Moses Whitmire and Aaron Whitmire

taken in 1878 before the Chambers Commission, only twelve years after the making of the treaty of 1866. These three witnesses were, at that time, applying for admission to citizenship in the Cherokee Nation, and were admitted. The personnel of the party who returned with them to the Cherokee Nation in 1866 was repeatedly gone into and neither the applicants nor their witnesses, nor the witnesses for the Cherokee Nation, identified John Freeman and family as being members of that party. It is not until Jesse and Lewis Whitmire appear as witnesses in this case that they are able to remember that John Freeman returned with them in 1866. The testimony of Aaron Whitmire before the Chambers Commission in 1876, and before this Commission in 1901 and 1902, as to the time of their return, the number of trips made, and as to the members of the party returning, is thoroughly consistent and entitled to great weight.

The testimony of Martha E. Labrum, a disinterested witness, shows that John Freeman and family resided continuously near Fort Scott, Kansas, from March, 1866, until after October, 1867, and it will be noticed that the time of the departure of Freeman and his family from Kansas, is identified in connection with an incident that would naturally impress her mind, the death of her grandfather, which occurred in October, 1867. The time of the applicant's departure from Kansas, as testified to by Martha E. Labrum, exactly corresponds with the time testified to by Aaron Whitmire of their arrival in the Cherokee Nation.

It is also a significant fact that most, if not all the members of this party with whom John Freeman claims to have returned, were admitted to citizenship by the Chambers Commission and are identified upon the 1880 authenticated Cherokee roll. This is not true of John Freeman or of those members of his family who, it is claimed, returned and have ever since lived with this colony of freedmen.

The witnesses, Sam Webber, Franklin Ross and George W. Vann, have testified in numerous freedmen cases, and have been repeatedly and successfully contradicted, and their testimony is entitled to little credence.

It is, therefore, the opinion of this Commission that the applications for the enrollment of John Freeman, Nettie Freeman, John H. Freeman, Elnora Freeman, Charlie Freeman, Jesse Freeman, Walter Freeman, Luther Freeman, Arizona Freeman, Ora Freeman George Freeman, Cherie Freeman, Annie Freeman, Ona Freeman, Eliza Cannon, Mary Thompson, Clarence Thompson, Ethel Thompson and Jessie

Thompson, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman

(SIGNED). T. B. Needles.
Commissioner

(SIGNED). C. R. Breckinridge.
Commissioner

Dated at Muskogee, Indian Territory,
this JUN 16 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. George Freeman,
Ruby, I.T.
Clerk's Office F-D-459
Recorder.

Cherokee Freedmen
D-459

Muskogee, Indian Territory, September 16, 1903

George Freeman,

Ruby, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, granting, among others, your application for the enrollment of yourself and your minor child, Annie Freeman, and rejecting your application for the enrollment of your wife, Carrie Freeman, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings had in the original application and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Enc. D-32

Chairman.

Copy

Cherokee [illegible]-
9-30-11-[illegible]-14.

Muskogee, Indian Territory, September 1[illegible], 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of John Freeman et al., including the Commission's decision dated July 1, 1903, granting the applications for the enrollment of John, Nettie, John [illegible], Almeda, Charlie, Jessie, Walter, Luther, Arizona, Ora, George and Annie Freeman, Alice Cannon, Osa [illegible]man, and Mary, Clarence, [illegible] and Jessie Thompson, and rejecting the application for the enrollment of Carrie Freeman as Cherokee freedman.

Respectfully,

Chairman.

Through the
Commissioner of Indian Affairs.

Inc. D-36

COPY.

Cherokee Nation
Tahlequah, I.T.

Muskogee, Indian Territory, September 15, 1903

Edgar Smith,

Attorney for John Freeman et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplemental proceedings had in the consolidated case of John Freeman et al., together with a copy of the Commission's decision dated July 1, 1903, granting the applications for the enrollment of John, Nettie, John A., Inera, Charlie, Jesse, Walter, Luther, Arizona, Ora, Jessie and Annie Freeman, Eliza Cannon, Osa Freeman, and Mary, Clarence, Ethel and Jessie Thompson, and rejecting the application for the enrollment of Carrie Freeman as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

will be shown to you as soon as the Commission is informed of the name.

Respectfully,

James Libby.
Chairman.

Enc. 1-34

(C O P Y)

LAND.

60028/1903.
66134/1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 29, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Department letter of October 3, 1903, (I.T. D/ 8245) there is enclosed herewith report from the Commission to the Five Civilized Tribes, dated September 16, 1903, transmitting the record relative to the application of John Freeman and others for enrollment as Cherokee freedmen.

With the letter above referred to the Department transmits to this office an appeal from the order of the Commission denying a motion on behalf of the Cherokee Nation to set aside the judgment of the Commission and grant a re-hearing of the case.

July 1, 1903 the Commission rendered a decision holding that most of the applicants in this case were entitled to enrollment as Cherokee freedmen. July 22, the attorney for the Cherokee nation filed the motion above referred to and asked for a re-hearing on the ground of newly discovered testimony.

In the motion which is a part of the record in the case it is alleged that the Cherokee Nation will be able to prove that John Freeman did not return to the Cherokee Nation prior to January 19, 1867, but that on the contrary he remained in

the State of Kansas until the latter part of 1868 or early in 1869. The nation expects to be able to prove this fact by Adam Wright and James Martin.

Inasmuch as the Cherokee Nation claims to be able to show that the principal applicant did not return to the Cherokee Nation until long after February 11, 1867, it is believed the Commission should have allowed the motion and granted a re-hearing.

The case has not been considered on its merits and the record and all papers relating thereto on file in this office are enclosed herewith and it is respectfully recommended that the whole case be returned to the Commission with directions to allow the motion of the Cherokee Nation to take further testimony in the case.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW/LM

5 enclosures.

(C O P Y)

D.C. 10885. F.C.

DEPARTMENT OF THE INTERIOR,

ITD 842-1904. WASHINGTON. WHR.

L. R. S.

April 4, 1904.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 1, 1903, you rendered a decision in the Cherokee freedmen case of John Freeman and others in favor of most of the applicants.

July 2, 1903, the attorneys for the Cherokee Nation requested a rehearing in the case alleging newly discovered evidence and stating what they expected to prove by witnesses named.

July 27, 1903, you denied the motion stating that it was not shown that the Nation could not, by the exercise of reasonable diligence, have discovered and produced the evidence sought to be introduced at one of the several hearings in this case.

September 17, 1903, the attorneys "appealed" from this action of your Commission.

Submitting the case January 29, 1904, the Acting Commissioner of Indian Affairs recommended the Nation be given an opportunity to submit further testimony.

It is the desire of the Department to give the Nation reasonable opportunity to produce any evidence it may desire in

citizenship cases, and as it does not appear that the request in this case is unreasonable, the Department concurs in the recommendation of the Indian Office and hereby remands the case.

The testimony and papers attached thereto, and the motion of the Nation for rehearing, are inclosed, together with a copy of the Acting Commissioner's letter.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

3 inclosures.

Cherokee Freedmen
D 459

Muskogee, Indian Territory, May 7, 1904.

George Freeman,

Ruby, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself, wife and child as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 1, 1903, granting the application for the enrollment of yourself and child, and rejecting the application for the enrollment of your wife. The case is remanded on motion of the attorney for the Cherokee Nation in order that the Nation may have further opportunity to introduce testimony tending to show that your father, John Freeman, did not return to the Cherokee Nation with the time specified in the treaty of 1866.

In accordance with the Department's letter, the attorney for the Cherokee Nation has this day been advised that he will be allowed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony as above indicated. You will be permitted to appear on that day and introduce such testimony as you may desire in rebuttal of that offered by the Nation.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 458, et al.,

Muskogee, Indian Territory, May 7, 1904.

Edgar Smith,

Attorney for John Freeman, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of John Freeman, et al., for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 1, 1903, on motion of the attorney for the Cherokee Nation for the reopening of this case, in order that the Nation may introduce further testimony tending to show that John Freeman did not return to the Cherokee Nation within the time specified in the treaty of 1866.

In accordance with the Department's letter, the attorney for the Cherokee Nation has this day been advised that he will be allowed to appear before the Commission at its offices in Muskogee, Indian territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony as above indicated. The principal applicants have been advised that they will be permitted to appear on that date and introduce such testimony as they may desire in rebuttal of that offered by the Nation.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 458, et al.

Muskogee, Indian Territory, May 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of John Freeman, et al., for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 1, 1903, on your motion for the reopening of this case, in order that the Cherokee Nation may introduce further testimony tending to show that John Freeman did not return to the Cherokee Nation within the time specified in the treaty of 1866.

In accordance with the Department's letter, you are advised that the Cherokee Nation will be allowed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

(C O P Y)

DEPARTMENT OF THE INTERIOR

W.L.
Y.P.
TE

D.C. 47405-1904

WASHINGTON.

I.T.D. 10738-1904
L.R.S.

DECEMBER 3, 1904

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 22, 1904, you transmitted the record in the consolidated Cherokee freedman case of Robert Rose, et al (I.T.D. 174 et al), including your decision of March 11, 1904, which was adverse to the applicants.

Reporting in the matter October 13, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Due consideration has been given to a brief filed by the attorney for the applicants in the case.

The Department concurs in the Acting Commissioner's recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure.

Cherokee Freedmen

D-459.

Muskogee, Indian Territory, June 16, 1905.

George Freeman,

Ruby, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-36
Register

COPY.

Cherokee Freedmen

D-45[illegible], et al.

Muskogee, Indian Territory, June 16, 1905.

A. S. McRea,

Attorney for John Freeman, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of John Freeman, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-40.
Register.

COPY.

Cherokee Freedmen

D-458, et al.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of John Freeman, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-41.

COPY.

Cherokee Freedmen
D-488, et al.

Muskogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of John Freeman, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, rejecting said applications.

On April 4, 1904, the Department remanded this case for rehearing and readjudication.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-42.

Through the

Commissioner of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFIRS,
WASHINGTON.

LAND:
47228-1905

July 3, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by John Freeman for himself, his wife, Nettie Freeman, and his minor children, John H., Elnora, Charlie, Jesse, Walter, Luther, Arizona and Ora Freeman; by George Freeman for himself and wife, Carrie, and minor child, Annie Freeman; by Osa Freeman for himself; by Eliza Cannon for herself; and by Mary Thompson for herself and her minor children, Clarence, Ethel and Bessie Thompson.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that on July 1, 1903, the Commission rendered a decision favorable to all of the applicants herein except Carrie Freeman and denying her; that thereafter, on April 4, 1904 (I.T.D. 842-1904) the Department reopened the case and remanded the same for further proceedings.

The record shows that the applicant, John Freeman, his former wife, Margaret Freeman, deceased, and his present wife, Nettie Freeman were slaves of Cherokee citizens at the beginning of the war of the rebellion, were removed from the Cherokee Nation during the war and did not return and establish a residence therein on or before February 11, 1867; that the applicant, Carrie Freeman is a daughter of one John J. Rose, a non-citizen of the Cherokee Nation and one Emily Nolen, was born since the beginning of the war and possesses no rights to enrollment other than as a descendant of her parents; that on December 3, 1904, the Department approved the Commission's decision adverse to Emily Nolen; that all the other applicants herein were born since the beginning of the war, are descendants of John, Nettie and Carrie Freeman and Margaret Freeman, deceased, and possess no rights to enrollment other than as such descendants; that on September 23, 1904, the Department approved the Commission's decision adverse to George Thompson Jr., father of the applicants, Clarence, Ethel and Bessie Thompson.

None of the applicants is identified on the 1880 authenticated Cherokee roll or the Cherokee Census roll of 1896.

In view of the record the approval of the Commission's decision of June 16, 1905 adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M. (W)

D. C. 29153.
I.T.D.8060-1905.

J.F.Jr.

L.R.S.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

July 6, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record, together with its decision dated June 16, 1905, in the matter of the applications for the enrollment of John Freeman et al. as Cherokee freedmen.

On July 1, 1903, the Commission to the Five Civilized Tribes rendered a decision in this case, in favor of most of the applicants.

On July 2, 1903, the attorneys for the Cherokee Nation requested a rehearing, alleging newly discovered evidence. This motion was denied by the Commission on July 27, 1903, for the reason that the nation had not exercised reasonable diligence in the filing of said motion. The attorneys for the nation appealed to the Department from the action of the Commission on September 17, 1903.

On April 4, 1904, the Department decided that the motion of the attorneys for the nation was reasonable and proper, and it accordingly remanded the case.

Reporting July 3, 1905, the Indian Office concurs in the decision of the Commission dated June 16, 1905. A copy of its letter is inclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for review of the Commission's decision in this case. Said motion has been duly considered in connection with the case.

The Department considers that the evidence brought forth upon the rehearing shows clearly that the applicants did not return to the Indian Territory within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al.

The decision of the Commission to the Five Civilized Tribes is therefore affirmed, and the applications for the enrollment of John Freeman, Nettie Freeman, John H. Freeman, Elnora Freeman, Charlie Freeman, Jesse Freeman, Walter Freeman, Luther Freeman, Arizona Freeman, Ora Freeman, George Freeman, Carrie Freeman, Annie Freeman, Osa Freeman, Eliza Cannon, Mary Thompson, Clarence Thompson, Ethel Thompson, and Bessie Thompson as Cherokee freedmen are denied.

Respectfully,

Jesse R. Wilson

Assistant Secretary.

1 inclosure.

Cherokee F.
D. 458 et al.

COPY.

Muskogee, Indian Territory, July 21, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of John Freeman, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 6, 1906, and that the motion for review of said decision, filed September 7, 1905, was denied by the Department on said date.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

Tams Bixby.
Commissioner.

Incl.C-23
L/C

Cherokee F.
D. 458 et al.

COPY.

Muskogee, Indian Territory, July 21, 1906.

Blue & Bulger,

Attorneys for John Freeman, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of John Freeman, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 6, 1906, and that the motion for review of said decision, filed by you September 7, 1905, was denied by the Department on said date.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

Tams Bixby.
Commissioner.

Incl.C-24
LMC

11

No. D. [illegible]

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on ....

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of SEP 1 , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A.D. 1901

Subscribed and sworn to before me this day of A.D. 1901.

Notary Public.

NOTICE!

IN THE MATTER OF the application of George Freeman for enrollment as a Cherokee citizen:

Case No. D 458

To George Freeman c/o Mellette & Smith attys

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, Indian Territory, on Oct 24, 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 1 day

B. Dell

R. W. Hastings

Attorneys for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of George Freeman et al for enrollment as Freedmen of the Cherokee Nation, one copy of the original testimony of June 1st, 1901.

McCutchen Smith

Attorney for Applicants.

Cherokee F. #D459.

Cher Fr R 903

Trans. from Cher Fr D 903

Cher Fr R 903

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 1st, 1901.

In the matter of the application of Osa Freeman for enrollment as a Cherokee Freedman; said Freeman being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Osa Freeman.
Q How old are you? A 24 years old.
Q What is your post office address? A Hayden.
Q In what district do you live? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Who do you want to enroll besides yourself? A No, one just now but myself, my wife but my wife will enroll with her.
Q Is your wife's name on the roll of 1880? A No, sir.
Q Why don't you apply for your wife now? A Her folks hasn't enrolled yet and she will enroll with her people.
Q She had better enrolled with you if you are married?
A I don't know anything about the history of her citizenship.
Q You want to enroll just yourself then now? A Yes, sir.
Q Did you ever apply to be enrolled by any other tribe or Nation besides the Cherokees? A No, sir.
Q Have you ever been recognized by the Cherokee authorities?
A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Have you ever voted? A Yes, sir.
Q What is the name of your father? A John Freeman.
Q What is your mother's name? A Nettie Freeman.
Q Are they living? A Yes, sir.

BY MR. SMITH, of Firm of Mellette & Smith, Attorneys for Applicants:

Q What is your post office? A Hayden.
Q How long have you lived there? A I have lived there all my life. That is not where I am living now, but in that neighborhood, Coody's Bluff was my post office.
Q Is the John Freeman who applied here for enrollment your father,
A Yes, sir.
Q Who was your mother? A Nettie Freeman.
Q You were born in the Cherokee Nation? A Yes, sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 123, #3061, Osa Freeman, Cooweescoowee District.

The Wallace Roll of Freemden of the Cherokee Nation examined and applicant's name found thereon, page 113, #2382, Abe Freeman, Cooweescoowee District.

BY L. B. BELL, Cherokee Represenative:

Q You never did live in Kansas? A No, sir.
Q Didn't scout any? A No, sir, I never scouted any.

COM'R NEEDLES:--Osa Freeman applies for the enrollment of himself. His name cannot be found upon the authenticated roll of 1880, but he is duly identifiedupo the Kern-Clifton roll and Wallace roll, according to the page and

number of the rolls as indicated in the testimony. He makes satisfactory proof as to residence. He avers that he is the child of John Freeman who has this day been listed for enrollment on D. card #458. The testimony in the sae of the said John Freeman will be made part of the record in the case now at bar, and a copy of the same will be filed with the testimony just taken. Consequently Osa Freeman will be listed for enrollment as a Cherokee freedman on a doubtful card because of the fact that his name does not appearupon the authenticated roll of 1880 and of the protest of the Cherokee Nation. He will be duly notifiedof the action of the Commission when the same is arriedat by mail.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 4th day of June, 1901.

Commissioner.

FILED

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901

Post Office Hayden, I.T.

District Tenn.

1. Name Eliza Freeman Age 84

Owner's name Citizenship

Year K.C. Page 173 No. 3261 District Tenn.

Parents:

Father Jim Freeman living Citizenship Seminole

Mother Hettie " " Citizenship Colored

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father JUN 1 1901 Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Self Stenographer J. D. Rosson

On Wallace Roll, Page 113 No 2387, Abe Freeman, Tenn Dist

Test to D 458

Represented by Mellette & Smith, Vinita, I.T.

COMMISSION TO TH

To be filed with case of Osa Freeman, C. F. D.#460.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 1st, 1901.

In the matter of the application of John Freeman for the enrollment of himself, wife and seven children as Cherokee Freedmen; said Freeman being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Mr. Smith, of Firm of Mellette & Smith, Attorneys for Applicants;

Mr. L. B. Bell, Cherokee Representative:

Q What is your name? A John Freeman.
Q How old are you? A I am about between 60 and 65 I guess.
Q What is your postoffice address? A Coody's Bluff.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q who do you want to enroll besides yourself? A My wife and nine children.
Q Have you got nine children under 21 years of age? A Yes, sir.
Q What is your wife's name? A Nettie Freeman.
Q How old is Nettie? A She is about 45, I believe, somewhere along there.
Q Now, give me the names of your children? A That gentleman there has got the ages.
Q John Henry, is that right, 20 years old? A Yes, sir; Elnora.
Q How old is Elnora? A 18; Charlie.
Q How old is Cherlie? A 16.
Q The next one? A Jesse Freeman, 14; Walter, about nine; Luther, six, Arizona, two.
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Is your wife's name on the roll of 1880? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A It is on the Wallace roll and Clifton roll.

By Mr. Smith: Mr. Freeman, were you a slave? A Yes, sir.
Q To whom did you belong? A I belonged to George Freeman until he died and then I belonged to his widow, Jane Freeman.
Q Were they Cherokee persons? A Yes, sir, his wife was.
Q Jane Freeman was a Cherokee Indian? A Yes, sir.
Q Where were you when the war commenced? A I was in Going Snake.
Q Did you go out of the Cherokee nation during the war?
A Yes, sir.
Q What time did you come back to the Cherokee Nation after the war?
A Well, sir, I come back in the fall of '66.
Q What was Nettie's name, your wife, Nettie, before you married her?
A Nettie Dannenberg.
Q Did you know her before the war? A Yes, sir.
Q To whom did she belong? A Nathan Dannenberg.
Q Was Dannenberg a Cherokee Indian? A No, sir, he was a white man, he had Indian family.
Q Who was his wife? A Christie McPherson.
Q She was an Indian. A Yes, sir.
Q Where did the Dannenbergs live and where did Nettie live before the war? A They lived in about four mile of Evansville, I don't know whether it was north or south.
Q Was it in the Cherokee Nation? A Yes, sir.
Q Did she go out during the war? A She went out when I did and come back when I did.
Q Where did you come to when you came back to the Cherokee Nation?
A Came on Salt creek.
Q Who came back with you? A Why I come down here first with these Whitmire boys and I put me up a wall of a house and then I left them to make boards to cover it, and then I went back and got my family.

Q When did you come back? A It was in the fall of '66; because I heard this limited time and I went there and got my folks and come back.
Q Where did you bring your family to when you came back?
A I fetched them to Salt Creek.
Q That is in the Cherokee Nation is it? A Yes, sir.
Q Where have you been living ever since that? A I have been living right there ever since.
Q Have you and your wife, Nettie, been living together ever since you were married? A Yes, sir.
Q Is Nettie the mother of these children whose names you have given, John, Henry, Elnora, Charley, Jesse, Walter, Luther and Arizona? A Yes, sir.
Q Have all these children been born since you and Nettie have been married and living together as man and wife? A Yes, sir.
Q Have you voted in the Cherokee elections? A Yes, sir; I have been there and I never did get to vote except the first year after the war; they let me vote and they never did let me vote any more.
Q You have some older children outside of the ones you have named here, have you? A Yes, sir, my first wife did.
Q Have you any children by Nettie outside of these seven that you have named? A Yes, sir.
Q What was their names? A Oce and Mary.
Q They are over 21 years of age? A Yes, sir.
Q Have you any other children by your first wife? A I have got two.
Q What are their names? A George and Eliza.
Q Has Eliza been married? A Yes, sir.
Q That is her married name? A Eliza Cannon; but she and her man have parted and I guess it is Eliza Freeman yet.
Q You don't know what name the Court gave her? A No, sir.
Q Are these children all living with you and your wife, Nettie, there from John Henry down? A Yes, sir.
Q Where does Oce and Mary live? A Mary is living with me now, but she has not got any man, and Oce lives right on Salt Creek, right south of me about a couple of miles.
Q Did these two older children, Oce and Mary, live with you up to the time they got married? A Yes, sir.
Q Has Mary ever been married? A Yes, sir.
Q She is living with you again though now? A Yes, sir.
Q Oce is married and has a family? A Yes, sir, he has got a wife that is all.

By Mr. Bell: When did that Mary marry? A Married, she has been married, I don't know exactly, she has got three children, four or five years old.
Q Where has she lived all the while she was married? A She lived down the other side of Payden.
Q Didn't John go to Kansas? A No, sir.
Q Did you and your wife both belong to the Dannenbergs?
A No, sir, I belonged to Jane Freeman.
Q Your wife belonged to Dannenberg? A Yes, sir.
Q Where do they live, the Dannenbergs? A They lived in about five miles of Evansville, close to the Dutch Town.
Q Up there on the line? A Yes, sir.
Q When did you marry your present wife? A My oldest child is about 23 or 24 years old I think; me and her had been living together I never got any; we never was married until here since this here law has been passed.
Q Well, you and her married since the war? A Yes, sir.
Q Where at? A We married at home.
Q Well at home? A Up here on Salt Creek.
Q Well where did you and her take up together and begin to live together? A There on Salt Creek.

Q 24 or 25 years ago? A Yes, sir, maybe longer, maybe 25 years I can't recollect.
Q Now your first wife did you bring her down here with you when you moved down? A Yes, sir.
Q She was alive? A Yes, sir; she is dead now.
Q Was she alive when you took up with? A No, sir.
Q She was dead? A Yes, sir.
Q You say she belonged to old man Dannenberg? A Yes, sir.
Q Where was she during the war? A She went to Kansas with me.
Q Was she married ever before she married you? A No, sir.
Q This is present wife? A Yes, sir.
Q I ask you is you and this present wife went to Kansas together? A Yes, sir, the one I have got now was a small girl when she went to Kansas.
Q Did you bring her back? A Yes, sir.
Q Bring this present wife you have got? A Yes, sir.
Q She was in your family was she? A Yes, sir.
Q Well, now, let me understand you, your present wife is named Nettie? A Yes, sir.
Q She was in your family and went to Kansas with you? A Yes, sir.
Q And you brought her back when you moved back from Kansas? A Yes, sir.

By Mr. Smith: Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 123, #3060, John Freeman, Cooweescoowee District.
(Applicant's wife not identified on Kern-Clifton roll.)
Page 123, #3062, John Freeman, Cooweescoowee District.
Page 123, #3063, Elnora Freeman, Cooweescoowee District.
Page 123, #3064, Charles Freeman, Cooweescoowee District.
Page 123, #3065, Jesse Freeman, Cooweescoowee District.
Page 123, #3066, Wlater Freeman, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 113, #2386, Nettie Freeman, Cooweescoowee District.
Page 113, #2381, John Freeman, Cooweescoowee District.
Page 113, #2384, John H. Freeman, Cooweescoowee District.
Page 113, #2385, Eleanor Freeman, Cooweescoowee District.

By Com'r Needles: Why is your name and your wife's name not on the roll of 1880, do you know? A No, sir, I don't tell; they come to my house and marked something but I can't tell.

By Mr. Bell: Who moved down here with you from Kansas? A I went to fetch.
Q Oh, well, when you brought your family? A No one but a white man I got him to haul a load down here and I don't know what become of him.
Q And you come along you and your family? A Yes, sir.
Q Who did you come with on your first trip? A Mose Whitmire and Mr. Wright, old man Wright, and I don't know how many.
Q Who do you call old man Wright, old Major? A Yes, sir.
Q You didn't come along with Sam Webber then? A I didn't come that time with him; they all come down pretty much in a bunch, and I didn't know who all was in the crowd, Sam Webber didn't.
Q You come along with old Major Wright was it? A I think he was in the crowd.

Q Try to go by what you know was; you just now said he was in the crowd? A I think he was in the crowd, I know Mose was in the crowd, and Lewis Whitmire and Denniw, because I x hauled loads for them when I come down the first time and put up my house.
Q When was that? A It was in '66.
Q What time of the year? A It was in the fall.
Q You come the first time in the fall? A Yes, sir.

LEWIS WHITMIRE, being first duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:
Q State your name? A Lewis Whitmire.
Q Where do you live, Mr. Whitmire? A I live on Lightning Creek.
Q What is your post office? A Hayden.
Q How old are you? A About 62 I guess.
Q How long have you lived in the Cherokee Nation? A Why I have been born, living there ever since I was born.
Q Do you know John Freeman here who is the applicant in this case?
A Yes, sir, I have been acquainted with him for a good while.
Q Did you know him before the war? A Yes, sir; I knowed him before the war.
Q To whom did he belong? A He belonged to Jennie Freeman and George Freeman.
Q Were they citizens of the Cherokee Nation, Cherokees?
A Yes, sir, they were citizens of the Nation.
Q Where was John Freeman when the war broke out?
A He was living with his Mistress when the war broke out.
Q Whereabouts? A Up in Goingsnake near the ling of Flint; I don't know where the lines is there, but he was living right on the line.
Q In the Cherokee Nation? A yes, sir.
Q Do you know Nettie Freeman? A Yes, sir.
Q Is she John Freeman's wife? A Yes, sir.
Q How long have they been living together as man and wife?
A I don't know exactly when they married.
Q Has it been a short time or good many years? A It has been a good many years according to the family they got.
Q Did you know Nettie before the war? A Yes, sir, I knowed Nettie ever since she was a baby.
Q To whom did she belong? A She belonged to Dannenberg, and his family; Fox Dannenberg and Dick Dannenberg; that is the family she belonged to.
Q Were they Cherokees? A Yes, sir.
Q Where was Nettie when the war commenced? A Nettie was living at Dannenberg's until her mother taken her away.
Q Did you go out of the Cherokee Nation during the war yourself?
A I went out a little while, but I was driving a team from Gibson to Fort Smith and back again all around through the country.
Q Are you on the 1880 roll? A Yes, sir.
Q Are you a freedman citizen? A Yes, sir.
Q When did you first see John Freeman in the Cherokee Nation after the war? A Why I seen him on the road up here on Big Creek, moving, coming to this place.
Q When was that? A That was in the fall of '66, I can't date the time.
Q It was in the fall of '66? A Yes, sir.
Q When did you first see Nettie?. A Nettie was with him at that time.
Q Who else was along? A Nettie's mother and her whole host of them, I could not tell you how many, I didn't count them and it has went out of my mind how many there was.
By Mr. Bell: What become of him after you saw him in '66, didn't settle with you did he? A He settled about seven miles from me, the place where I am living now.

Q Who was with him when you saw him? A His wife and family and a whole host of there folks, I could not tell you who all now.
Q Big Crowd of them was there? A Yes, sir, big crowd of them scattered all along the road.
Q That was when he moved his family down? A Yes, sir.

MOSE WHITMIRE, being first duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith:
Q State your name, Mr. Whitmire? A Mose Whitmire.
Q What is your post office? A Hayden.
Q How long have you lived there? A Oh, I have lived there 30 some odd years or over.
Q How long have you lived in the Cherokee Nation? A All my life/
Q Are you on the 1880 roll? A Yes, sir.
Q You are a Cherokee freedman? A Yes, sir.
Q Do you know this applicant here, John Freeman? A Yes, sir, I know him.
Q How long have you known him? A Oh, I have knowed him I guess nearly 40 years.
Q Did you know him before the war? A Yes, sir.
Q Do you know who he belonged to? A Yes, sir.
Q Who? A George Freeman.
Q Who was George Freeman's wife? A Why she was.
Q Ordo you remember her name? A I remember her name, her name was Jennie.
Q Was she a Cherokee Indian? A Yes, sir, she was Cherokee Indian.
Q Where was John Freeman at the time the war broke out?
A He was living right there where he is living.
Q Where was that? Q In Going Snake near the line.
Q Did you know John Freeman's wife, Nettie Freeman? A Yes, sir.
Q How long have you known her? A Well, I have known her for a good many years; ever since I have known him almost; not ever since I have known him but ever since she was a little girl.
Q Did you know her before the war? A Yes, sir.
Q Whom did she belong to? A Dundenbergs; I used to work there, threshing wheat and she was a little girl and knowed her ever since.
Q Where was she living when the war broke out?
A She was living there near the line.
Q When did you first see John Freeman after the war in the Cherokee Nation? A Why John Freeman come down in the fall of '66; well we come down as much as three times, I guess; come down in August, then in the fall again and in December moved.
Q You say he come down with you? A Yes, sir.
Q Did he bring his family A He come down and built a house and went back and got his family.
Q When did he go back and get his family? A In the fall I guess, in the fall or November.
Q Fall of what year? A '66.
Q When did you first see Nettie, John's wife, after the war?
A Down here you mean?
Q Yes. A He brung her with him.
Q Where did you all come to? A Salt Creek.
Q At what point on Salt Creek? A What point?
Q Yes, whereabotom Salt Creek? A Where we are living now.
Q Have you known John Freeman since that time? A Yes, sir, I have known him.
Q Where is he living now? A Here on Salt Creek, right where he first lived.
Q Was he and Nettie living together? A Yes, sir.
Q Do you know their children? A Yes, sir.
Q Could you name them all? A Oh, I could not name them exactly I guess, I never paid any attention to children; I know the children when I see them.

Q Have they lived together in the Cherokee Nation since '66?
A Ever since they have been born.
Q How far do they live from you? A It is about six or seven mile.
By Mr. Bell: Well, you say you made three trips down here when did you make the first one? A Made it in August.
Q When was your second trip? A The second trip was in the summer, in August, the Summer of '66, again in the fall I mean.
Q What month? A Along in November.
Q When did you make the third trip? A December.
Q Now, which one of these trips did John Freeman come with you?
A He come in both the last trips, December and November.
Q Well come with you in December and November? A Yes, sir, hauled some thins down here for me when we come down and built in November.
By com'r Needles: You are a recognized citizen of the Cherokee Nation? A Yes, sir.
Q On the roll of 1880? A Yes, sir; I would like to enroll now.
Q You and Freeman come together? A Yes, sir.
Q Been living here since together? A Yes, sir.

COM'R NEEDLES:--John Freeman applies for the enrollment of himself, his wife, Nettie, and seven children. Upon examination of the records of the roll of 1880 the name of John Freeman and his wife, Nettie, cannot be found. He is duly identified upon the Kern-Clifton roll and Wallace roll. His wife Nettie is identified upon the Wallace Roll. The names of his children, John Henry, Elnora, Charlie, Jesse and Walter, are identified upon the Kern-Clifton roll. He avers that he has two younger children, Luther and Arizona, whose names do not appear upon the roll, having been born after the roll was compiled. They are all duly identified and make satisfactory proof as to residence. By reason of the fact that the names of John Freeman and his wife do not appear upon the authenticatedroll of 1880 and protest of the Cherokee Nation, said John Freeman and his wife, Nettie, and children, as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card awaiting further consideration of the Commission. He will be notified of the decision of the Commission when made, and it will be necessary for him to file satisfactory proof as to the birth of his two younger children, Luther and Arizona.

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J. O. Rosson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this 21st of August, 1901.

Commissioner.

"R"

File with Cherokee Freedman D- 460, Osa Freeman

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 25,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the matter of the application of John Freeman for the enrollment of himself, wife and children as Cherokee Freedmen, (D 458)

Appearances:
Mr. Mellette, of Mellette & Smith, Vinita, I. T., attorneys for the applicants;
Mr. J.S.Davenport, of attorneys for the Cherokee Nation.

GEORGE BIBLES, being first duly sworn and being examined testified asfollows:
BY MR. DAVENPORT:
Q What is your name? A John Freeman.
Q Where do you live? A I live up on Verdigris, near Talala.
Q How long have you lived in the Cherokee Nation? A Ever since about the close of the war, '66.
Q You know John Freeman, a coloredman that lived up in that country? A Oh yes I was used to be a little acquainted with him.
Q When did you first get acquainted with him, before or after the war? A It was after the war.
Q Youknow where he now lives? A I know where he ~~was~~ used to live.
Q Do you know where he did live at one time since the war? A Yes sir.
Q When was you first in that country after the war where John Freeman did live when you knew him? A I was there in '67, June '67. Up in that country; that was main place up in there.
Q How far was your main place from where John Freeman afterwards settled? A I suppose about ten miles.
Q You know where John Freeman's place was there? A Yes sir.
Q Did youknow it in '67? A Yes sir.
Q What improvements were there ~~there~~ and who was living there? A No one living there.
Q You were there on the site of the location? A Yes sir, I was all over that country; there were very few settlers in that country.
Q When did you first know of his living in that country, when did he first move in that country? A It was sometime in '70 first time I ever saw him.
Q In '67 when you was up there the land where John Freeman afterwards made a place was there no improvements on it at all in '67? A None that I could see.
Q You could have seen themif they had been there? A I reckon I could; it was right on a high hill.
Q When you first knew him he came in there about '70? A Sometime in '70, I can't tell just when, it has been so long time ago I don't hardly recollect.
BY MR. MELLETTE:
Q You just made a remark there, you said it has been such a long time ago that it is hard to recollect, you mean that do you? A Yes sir.
Q Did you ever goon that spot and look around to see if you could see John Freeman in '67? A I just saw out there that there was no settlements in there hardly.
Q You don't know how close you went to the place where John Freeman now lives? A No I couldn't say as to that.
Q You don't prestend to say you examined every foot of that country to see whether colored people lived there do you? A No sir.
BY COMMISSION: The testimony will be made part of the record in the following Doubtful Freedmen cases: D459,D460,D612 and D614.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this February 28, 1902.

Commissioner.

File with C. F. D. #460.

Supl.-C.D.#458. Freedmen.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of JOHN FREEMAN, ET AL., as freedmen of the Cherokee Nation; introduced on part of the Cherokee Nation:

Appearances:
L. B. Bell, of Counsel for Cherokee Nation;
Mellette & Smith, Counsel for Applicants.

HENRY ARMSTRONG, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. BELL:

Q Give your name, Mr. Atmstrong? A Henry Armstrong.
Q Age. A 59.
Q Post office? A Coody's Bluff, Cherokee Nation.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Cherokee, Shawnee or Delaware? A Delaware.
Q How long have you lived at your present-? A I came here in the spring, February, '58.
Q How long have you lived at the place you are living at now?
A Ever since.
Q Are you acquainted with one John Freeman, a freedman that lives up there on Lightning creek or Salt creek near you? A Yes.
Q How far does he live from your present residence? A First he lives.
Q How far does he live right now? A About two miles.
Q When did your acquaintance with him first begin, when did you see him? A About January, '69.
Q Was he living in that country then? A Yes, sir.
Q Was he living then on the same place he lives to-day?
A No, sir.
Q Where did he locate first there? A He lived east there about a mile.
Q About a mile from his present residence? A Yes, sir.
Q How far is that from your present residence? A About three miles.
Q Did he settle that first place new, or did he buy it from someone where he first settled? A He made it.
Q It was new? A Yes, sir.
Q When did he first go on to that place? A Well, I suppose summer of '68.
Q Wh at circumstance do you fix that statement on? A When I come in there, February, '68; there was nobody lived there then and then I left there July, '68 and went back to Kansas and I returned last part of December and about January I seen somebody living there, but I didn't know who it was and found out afterwards it was John Freeman
Q Now, how long did he stay there? A I could not tell you that.
Q Was it one or two years? A It was more than that.
Q Did he move away from there? A Well, he and man named Secondine traded places.
Q I asked you if he moved away from there? A Not until he traded places.
Q Is he living there yet? A No, sir.
Q Where did he go to? A He went west about a mile.
Q Did he settle a new place, or buy or trade for one? A Trade

for one.
Q Who did he trade with? A Filmore Secondine.
Q And he has lived there since? A Yes, sir.
Q Olves there to-day? A Yes, sir.

MR. MELLETTE:

Q Mr. Armstrong, you don't know where John Freeman was in '66, do you? A No, sir.
Q Nor '67? A No, sir.
Q First you remember of seeing him was in the winter of '68?
A '69.
Q You said that you went bac to Kansas in July, 1868?
A Yes, sir.
Q And when you came back-? A Last part of December.
Q First part of January, '69, that you xsaw him? A YYes, sir.
Q But you don't know where he had been before do you?
A No, sir.
Q Was that country settled up a great deal then? A No, sir.
Q How long did you stay there when you came to the country in 1868?
A From February 17th to the last part of July.
Q Then you didn't have an opportunity to see everybody in the country? A Wasn't anybody living in that country then; I hunted a great deal then.
Q You don't pretend to say you saw everybody that was in that country A No, sir.

MR. BELL:

Q Well, you had been on that particular spot that Freeman was on when you returned to Kansas, b efore you left, hadn't you?
A Yes, it was good deal high hill.
Q It was at the point of a high hill? A Yes, sir.

MR. MELLETTE:

Q Do you know about some people living up on Salt creek about three miles from there when you came to that country? A No, sir, wasn't, anybody living there.
Q Where did Aaron Wright live? A He didn't live on Salt creek.
Q Where did he live? A He lived about a mile from Salt creek.
Q There was a lot of people up there with him? A No, sir.
Q How do you know? A I know there was not.
Q Did you watch everybody that came in there? A No, sir; wasn't but two families.
Q That has been a long time ago? A Been over 34 years ago.

Commission: This testimony will be filed with and made part of the record in the following Cherokee freedmen cases: D.459, D.460, and D.612, and D.614.

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I, J. O. Rosson, do hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on above date, and that the foregoing is a true and complete transtripct of my stenographic notes thereof.

J O Rosson

Yi 460

To be filed with C.F.D-460.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 11, 1902.

In the matter of the application of John Freeman et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL to D-458.

Applicants represented by Mellette & Smith, Vinita, I.T.
Cherokee Nation represented by James S. Davenport.

The Cherokee Nation, by its representative, makes satisfactory proof of service on Mellette & Smith, the attorneys for the applicant, notifying them that it would, on the 11th day of April, 1902, at the offices of the Commission in the town of Muskogee, Indian Territory, introduce testimony tending to disprove the right of John Freeman et al to enrollment as Cherokee Freedmen. The applicants and their attorneys have this day, to wit the 11th day of April, 1902, been called and fail to respond either in person or by attorney.

CALVIN COKER, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Calvin Coker.
Q Where do you live, Mr. Coker? A Coody's Bluff.
Q What is your age? A 51 past, nearly 52.
Q How long have you lived in the Cherokee Nation near Coody's Bluff?
A Been my home there since 1857.
Q Was you out of the country any time during the war; if so, about how long? A Why yes sir, I was out, we went to Arkansas a little while, and then we was in the Chickasaw Nation part of the time.
Q Well, when did you return to your home place after the war?
A Why we come back to the Cherokee Nation in 1865, and we went back there the fall of '66.
Q Do you know a colored man up there near Coody's Bluff by the name of John Freeman? A Yes, sir.
Q How long have you known him? A I guess about since '68.
Q How far does he live from you now? A He lives now I expect three and a half miles, maybe a little more, I don't know just how close.
Q How far was he living from you when you first got acquainted?
A I think it was about three and a half miles.
Q About the same distance he is now? A Yes, sir.
Q Had you known John Freeman before the war? A Yes, sir.
Q Where was John Freeman living, if you know, when you returned to your home place there in '66? A I couldn't tell you that.
Q Was he living where he is now located or where he first located or living when you first got acquainted with him? A No, sir.
Q When was the first time that you ever saw him in that locality where he was living? A He was there, he settled there about the spring of '68.
Q You had been living at your home place from '66 up to the time he settled there? A Yes, sir.
Q How he settled about how far from you? A I expect it is three and a half miles, I don't know, it is somewhere near that.
Q Did he make the place or had it been improved first before?
A He settled there.
Q Do you know anything about whether he had his family there when he first came? A Why I couldn't say, I think he did, I don't know.

Q You don't know anything about to whom he belonged before the war of your own knowledge? A No, sir.

COMMISSION: When did you first see him after the war, Mr. Coker? A He moved there in '68, spring of '68, that's the first I ever knew him.

Q You never knew him before? A No, sir.

Q You don't know where he was in 1866? A No, sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-459, D-460, D-612, D-614, and in the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger

Subscribed and sworn to before me this 12th day of April, 1902.

Emile J. Leitner
Notary Public.

File with F. D-460, Osa Freeman.

F. D-458.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 27,1902.

In the matter of the application of John Freeman et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-458.

APPEARANCES:
Mellette & Smith for applicants.
W.W.Hastings for Cherokee Nation.

MR.HASTINGS: The Cherokee Nation asks that the testimony filed and made a part of the record by the Cherokee Nation in the case of Freedman Doubtful 818 and the testimony of Aaron Webber and the testimony of the Cherokee Nation in Freedman Doubtful 216, and the testimony of Reuben Sanders, together with the testimony filed by the Cherokee Nation in Freedman Doubtful 391, be introduced and made a part of the record in this case.

MR.SMITH: The applicant objects to the introduction of the testimony of Reuben Sanders because the same does not tend to prove any issue in this case and because it was not taken with reference to this case, no opportunity for cross-examination being allowed with reference to this case, and as to that testimony offered the applicant objects because it is incompetent, immaterial and irrelevant, and because no foundation was laid for the introduction of said testimony .

DOMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-459, the same being George Freeman et al; D-460, that of Osa Freeman; D-612, that of Eliza Cannon; D-614, that of Mary Thompson, et al, and in D-458, being that of John Freeman, the case at bar. It appears that all the applicants in the above named cases are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of July,1902.

(signed)P.G.Reuter,
Notary Public.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

M D Green

Subscribed and sworn to before me this July 31,1902.

Pence C. Jones

Notary Public.

Supl. C. D. #818. Freedman.

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I. T., March 4, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee freedman, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on E. B. Lawson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1902, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedmen by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, comeing back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q How far is on the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the Military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you know in Going Snake and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you knew? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I knew.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thoughwhere he lives, I have saw him ever since I have been here. I dont think I ever was at his house.

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I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

F. D. 618.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 20, 1902.

In the matter of the application of Edward Wright for a enrollment of himself as a Cherokee Freedmen.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee Freedmen. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright (Ex. 7th of June.
vs (Answer filed.
Cherokee Nation.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs (Ex. June 7th. Statement filed
Cherokee Nation. on the 26 of June.
1st July set, 1st Aug.
set for trial.
Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to rey claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
June 26, 1878. By W. P. Boudinot, Atty."

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire)
vs)
Cherokee Nation.)

Tahlequah,
July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

An a citizen under the treaty of 1866. I went north to the state of Kansas in 1862. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of hat number. The claimant was one of hem. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires whopiloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Rose, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of assistance. As I was coming down the first time we were overtaken by the Nowoke Delegation. They were some who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I am not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1862. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me she could read.

I do not know myself that it was the month of Aug. When I came here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields.
his mk.

Aaron Whitmire)
vs) August 1, 1878.
Cherokee Nation.) Bluford Alberty, witness for claimant, called and sworn.

I reside in Cooweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District

POOR ORIGINAL -
BEST AVAILABLE COPY

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov, or probably it might have been as late as the middle of November, to go to the Virdifris. While out there I fell in with a party of seven or eight persons who were camped with others near Sam Crouches. I did not go to the camp. They were colored people. I knew most of them. The men were old Sam Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Landrum. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and the mother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got here. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or make claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they would get some.
He also represented that they had come down to make claims for others, who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this time, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Ratliff. She was twelve or thirteen years old at the close of the war.
She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McLane's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.
While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Meigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Ben, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1866 to Kansas after coming to the Nation. Then witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Meigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was alone in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Henry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

his
Nelson Whitmire.
mark.

Attest
D. L. Nicholson,
Clerk.

Case 63.

Aaron Whitmire & family)
vs) Claiming citizenship.
Cherokee Nation..)

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the clauses of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in Ohio

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the situation he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Tahlequah District, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, the younger Aaron until I meet him at the river. Lewis I knew prior to the war. While I was in charge of the ferry I recollect having met claimant and those, Lewis, Dennis and Nelson, Whitmire, Peter Hedge, Nimrod Sanders, Sam Webber, and Young Sam, Bill Foreman and others but did not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans, they were traveling from the direction of Fort Scott. I crossed them from the Sharmer side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invited them to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned befor the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I set some of this same party back over the river a short time after they had come in, Davis, Nelson and Dennis Whitmire and little Sam Webber and I think they were all who crossed back but I can not place them now. I learned the names of the parties from conversation with them, but did not become particularly acquainted with their names at that time. I think there was one woman with the party, I think she was little Sam's though I would not be right positive that there was a woman along or not. I was positive there was no children as I never seen any. They had camped there long enought that were they any women and children I would have known it. The next time I saw claimant was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 5 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I set them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire)
Vs) July 4th 1873.
Cherokee Nation.)

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest: Wm. McCracken.
D. L. Nicholson, Clerk.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Arks.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was sparse where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 90 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The home of claimant is in the same locality as that at the time mentioned above. In Oct. or Nov. 1866 I gave claimant and other colored men permission to occupy two old fields in that neighborhood for the purpose of raising crops the year following. Louis Whitmire in the name of the other man, I also permitted to go on the old field. The Spring of 1867 I saw Aaron and Louis Whitmire at work on the two fields spoken of. This settlement of colored folks has the character of quiet industrious and law abiding citizens as much as any in the Nation. Some of these people have large and good farms all made by themselves since the war.

Witness with a party of six gentlemen in the fall of 1866 saw this colored party who settled on Big Creek afterwards in the neighborhood for he purpose as they saidat the time of selecting their homes. Several claims was then in sight of witness which the colored party said they had selected and are now the homes of the party above indicated.

Agent Jones was at the time advising said Col party. A Delegation for the Cherokee Nation at Washington. There were parties as witness learned from one of them who wished to expel or drive off from their claims this colored party at the time they were prospecting the country. This was advised against by witness and it was not done or carried out. Witness' party spoken of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness is herding Wild Cattle. I travelled a good deal in that neighborhood at that time spoken of.

"Continued on page 883."

Aaron Whitmire et al) July 10" 1878.
vs)
Cherokee Nation.) John Riley,

sworn as witness for Deft. I live in Coonescoonee Dist. I first moved there in 1852 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitmire. He returned or came to the Virdigris River to live in the month of March 1867. Also came at the same time Peter Keigs, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Lawson. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Decr. 1866 to locate homes but I know of some who came in Sept. '66 for that purpose. I knew where Aaron Whitmire lived at this time. I was near Coody's Bluff in Decr. '66. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Decr. 1866 I never heard of them. I never knew of Bluford Albertey being in the part of the country in 1866 in the party who came down in Sept. 1866. Aaron Whitmire was not along but Mike Sanders, Sam Webber, Colbert & perhaps Billy Foreman. Moses was not along. Dennis was not along as I know of nor Mariah nor Major Whitmire nor Nelson Whitmire that I know of. If any such party had come down in Decr. 1866 I think certainly I would have known it.

Joseph Riley.
Randolph Riley. (page 885)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families and a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. F. Alberty.

Attest
D. L. Nicholson,
Clerk.

Aaron Whitmire)
vs)
Cherokee Nation.)

Tahlequah May 16, 1878.

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes ther of.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL) (Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 15th day of Aug., 1902.

Bruce G. Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I ~~xxxx~~ come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.

Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.
Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the sall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes,sir
Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes,sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes,sir.
Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes,sir.
Q You came out in wagons the first time? A Yes,sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes,sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No,sir, I don't.
Q Have you got any witnesses? A Yes,sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Your name on the 1880 roll? A Yes,sir.
Q Do you know Aaron Webber? A Yes,sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q By blood? A Yes,sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes,sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes,sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes,sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken?
A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wymer.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

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Bruce C. Jones, being duly sworn, says that as Stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May,1901.

C. R. Breckinridge,

Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th,1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 350.

Appearances:
W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

(By Hastings)
Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Miama Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in this matter at that time did they? A Yes,sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here, Joe Ross? A I know him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes,sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir.
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q Left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A To day.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
Q When did you first become acquainted wirh old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dages you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaedx in another case.
Q You had been talking about this case them? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings).
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Rosson)

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic notes therein.

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 14th day of August, 1902.

Bruce B. Jones
Notary Public.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green.)

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HENRY C. SHORT, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Webber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR.SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commission: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgement? A Yes, sir..
Q That is your best recollection? A (No response.)

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH:

Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes? A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q There was Sam Webber, Jr., in February 1866? A I don't know.
Q Where was he in October, 1865? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1865 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Q Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two? A Yes, sir, I knew young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q That boy Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865? A I think not, I don't think they did; they was there in 1865 but they was coming and coming all the time; they come down in 1866 and located.
Q They came in 1866 and located? A Yes sir, but they come back and got their family.
Q Do you know only that they were there in 1865? A I know they came there in '66.
Q You don't know what time in '65 they were there? A They were there before '66.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '66 I think, directly after crops was made; they come down here and they went back up there together in the fall.

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Q Well did they ever come back together? A I don't know whether they did or not. Jerom didn't come back I don't think.

Q Not about [illegible], I like to a [illegible] with his father? A Yes sir, I don't know whether Jerom came back or not; I know Sam did. The old man came back and got his family.

Q Do you know how they came to be together? A Yes, I am pretty sure to my own mind, I know I saw them afterwards.

Q [illegible] of Sam Webber ever bringing any hides into the [illegible]? A No sir, I don't remember; I remember Sam telling me he had his cabin.

Q When did he tell you he had his cabin up? A In the fall of '66. [illegible] here in the fall of 1866 and had built a cabin. Yes sir, he told me he had his cabin built.

Q And now [illegible] when they took all the people out you [illegible] I don't know, but it runs in my mind [illegible] not say anything about that.

Q [illegible] A No.

Q [illegible] say anything about that? A I don't know whether [illegible].

Q You don't know whether it was or not? A No sir, that is a [illegible] runs in my mind he was.

Q There was [illegible] the winter of 1865 and '66, the [illegible] commences with the month, 1865 and ends with February [illegible] he was there.

Q [illegible] did [illegible]? A Yes, I think he was there pretty much all the time.

Q [illegible] to you how [illegible]? A I got no way to fix it; that's my [illegible].

Q You can't [illegible] it positively that he was or was not? A I know [illegible] I believe he was too.

Q You can't state that positively? A No sir, not unless I got [illegible] the date.

Q [illegible] say that? A No sir.

Q [illegible] Webber coming up there in the [illegible] hides? A No sir, I can't remember; [illegible] a long time ago; how I have got these [illegible] I was moving from [illegible] the fall of '66 I was moving from [illegible] and that was in the fall.

Q [illegible] that time? A No sir, just moved from the [illegible].

Q [illegible] about 13 years old? A Yes sir.

Q [illegible] to fix the date in your mind it was in 1866 [illegible] moved? A I know we moved from the things [illegible] the family of a young man that was [illegible] 1866.

Q [illegible] about the deaths in the family? A There [illegible] died in the family in '66, 2 years after we moved [illegible] been from the things that he did when we moved [illegible] house, but he didn't move in his house at all.

Q [illegible] seem to be positive about any of these dates you gave? A [illegible] when the family moved over, remember that fact.

Q [illegible] about Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved them.

[illegible]

Q You never moved them up there in 1865 did you? A No sir.

[illegible] I object to that; it is not competent whether he moved them or not.

Q Did you ever miss them up until the summer of 1866? A No sir, I have no recollection of them leaving there until that.

Q That is your first recollection of them leaving? A Yes, sir.

Perry A. Hicks, being sworn and examined by Commissioner Irwin, [illegible] testified as follows:

Q Give me your name, Madam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post-office? A Mantey.
Q Is that in Kansas? A Yes sir.
BY MR. HASTINGS:
Q How far do you live from Mound City, Kansas, Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1864."? A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866".?
A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died?
A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.
Q Do you know where his wife was? A His wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.
Q She was living? A Yes sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in she would come and sit up with me.
Q Did you know a sister of Joe's called Chlora? A Yes sir.
Q May I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.

A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A -
OBJECTED to by applicant.
A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of what year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q Had he recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.
BY MR. SMITH:
Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while, I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I can.
Q Where was young Sam Webber in December, 1865, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; This one?
Q Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some hides to the community?
A No sir, I didn't charge my mind with anything like that.

Will you give me some idea, Mrs. Wicks, about the time old man Sam Webber started off on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know: he come in the fall I reckon.
Q You don't know whether it was fall summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think though it was in February or March.
Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.
Q You don't think that was? A No I can't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way
Q Where did you move from this place that you live? A Where did I move from.
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You know of his coming one time? I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, on that one, Joe Webber, that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You wont be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certian it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

JANE SPEARS, being sworn and examined [illegible] by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.
BY MR. HASTINGS:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

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Q Fall of what year? A '66, and then come back.
Q How do you remember young Sam Webber's coming back with reference to the time Sam Webber Sr. came, who came first when they returned from this trip looking for claims you speak of? A They came together
Q Are you sure of that? A Yes sir.
Q Where was Aaron Webber, did he come with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wont be positive whether he came with them or not, when they came after their claims.
Q Do you know whether the older Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir, sometime alongin the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No i don't know whether he sold it or not. I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q Where was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts
Q Now what makes you think it was in February of March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that winter.
Q The did? A Those darkey boys, the Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commences December and ends February, December, '66 and February '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
Q So that as a matter of fact the fact that thye trapped there on your place during the winter would not of itself lead you to believe that they didn't leave there until February or March? A Well it was along toward spring they left; that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death; they were there; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you?
A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23, 1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I dog, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, repcalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Ross, be filed in case Cherokee Freedman D-350, of Joe Ross, and in Cherokee Freedman D-196, of Chlora Grayson, and in Cherokee Freedman D-216, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him fro the stenographic notes of JOHN O. Rosson, by said Rosson, and that the foregoing is a true and complete transcript of his stenographi notes thereof.

M. D. Green.

Subscribed and sworn to before me this November 16th,1901.

J. C. Starr,

Notary Public.

SEAL.

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months or a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around here.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never seen them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I disremember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my hous when I first came here.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the forgoing copy and that the same is a true and complete copy of the original transcript.

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A. R. Cheever

Sworn to and subscribed before me this 11th day of August, 1902.

Francis B. Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was than when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

The 1880 authenticated roll of the Cherokee Nation examined and the applicant's name not found thereon.

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the rand of the applicant's daughter identified thereon as follows:
Page 175, No. 2658, Alice Sanders, Cooweescoowee district.

The 1896 census roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2512, Eliza Meigs, Cooweescoowee district.

Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 182, No., 40, Elizabeth Daniel.
NOTE: Wife of Peter Meigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 131, No. 2748, Elizabeth Meigs, Cooweescoowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself?
A Yes sir my husband did.
Q What members of your family came down with you and your husband?
A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas then? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Reuben Sanders.
Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was [illegible] Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now,
Q Were you there when they started down? A We all come together I am a telling you.
Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Fort Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q These that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '65.
Q What house? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that come? A Aaron Wright come with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
Q Who? A Lunie Riley was there on Verdigris, but not where we was living.
Q How far from where you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Henry Harold.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
Q They didn't admit him then did they? A I don't know sir.
Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is dont you? A Yes sir.
Q What court do you know? A Kerns Clifton court.
Q Any other court that you know of? A I know of the Tallace court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce? A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant. (Examined by the Commission).

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:
Page 175, No. 2657, Reuben Sanders, Cooweescoowee district.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
Q What court? A The Chambers court.
Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

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Q Where was it sitting? A At Tahlequah.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed had it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thompson Ochelatta was chief.
Q Was that before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
Q Where did they take your name? A I was in Goosoneck Bend, at the time.
Q Do you know the applicant Elizabeth Meigs? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice on that court? A Yes sir.
Q Just a few years after the war? A Yes sir.
Q In 1871 wasn't it? A Yes sir.
Q Was any action taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 15 or 16 years old when you come back? A Yes sir I guess so. I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your way down here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time? A.
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A In wagons.
Q The first time? A Yes sir.
Q Who came with you? A Several were on horse-back; it is beyoung my knowledge how many there were.
Q Tell all you can remember? A We made a trip in August and one in october and then we moved here in the winter.
Q Did you come in August? A Yes sir.
Q Who came with you then? A Some of this family, Peter Meigs and and his place; the heads of these families.

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Mose and Dennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I dont know who all come.
Q Who come when you come in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I come in August.
Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Dillie Forman.
Q Who else? A He had several children.
Q The heads of families I mean? A Fannie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir,;I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

By Mr. [illegible]

Q Dont you remember any one else? A Rachel Webber.
Q Do you think of any one else? A No sir.
Q You know that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you came to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may ha e.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother names William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66? A Yes sir.
Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I don't exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family [illegible] settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to [illegible].
Q You stated that he brought his family the last time in February, When did he go back after his family? A The third time he brought his family.
Q [illegible] there then? A Yes sir.
Q [illegible] you come? A In the winter.
Q [illegible] February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the [illegible] time. Snow on the ground.
Q [illegible] your father come at that trip? A Yes sir.
Q [illegible] mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q [illegible] distinctly that you came here in August the [illegible] A Yes sir.
Q [illegible] distinctly that Peter came with you in August and [illegible] Yes sir.
Q [illegible] distinctly that he come with his family when you [illegible] last trip? A Yes sir.
Q [illegible] A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Morris-Chiefs roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and persons who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein,

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Heigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Heigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I want to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in 1866 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q Why just after Christmas? A Perhaps a week after Christmas; my reason for saying this is this, along Christmas- a few days before Christmas there was a man got killed named Hanford, and there was a man killed him, a colored man killed that man Hanford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir
Q And the man that was accused of the killing was named what? A Hanford Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No I don't.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~error~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Heigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question..

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this May 23,1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 15,1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Ninth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out?
A Yes,sir.
Q Well, did you ever know her by any other name than Betsy?
A Bettie.
Q There was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
Q Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No,sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place to live up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a x home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes,sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November,1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the ~~Five Civilized Tribes~~,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs ~~et al.~~ for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;
L. D. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? ~~A~~ A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A. Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

C. H. Rutt
Notary Public.

Supl.-C.F.D.#775

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J. S. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell?
A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the rialroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right- of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.

Q. Where did you live before moving to Muskogee? A. Lived on Grand river east of Choteau about ten miles.
Q. Do you know Samuel Beck, the applicant in this case, or his family? A. No, sir.
Q. Where were you living along the latter part of the sixties or early part of the seventies? A. On the Grand river.
Q. Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A. It must have been the latter part of '71 or '2.
Q. Had you any connection with it any way that makes you remember it? A. Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q. And that was in what years it built down there? A. The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q. You don't know the applicant, Mr. Markham? A. No, sir, I don't.
Q. You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A. No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

[illegible]
Notary Public.

F. D. 391.

To be filed with F. D. 460.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1902.

In the matter of the application of Elizabeth Meigs for the enrolment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follo

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, si
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A Y are.
Q Have you a file of the official paper including December, 22, 1866 up to and including March of 1867? A Yes, sir. (Here presents files

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 22, 1866, found on the second column of the editorial page, headed "Another Murd

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Heir missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scot mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made; but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and F. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and B. F. Hepler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body andface of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other ranging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body could have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me if I was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, ashort time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

FOR ORIGINAL - BEST AVAILABLE COPY

Amy Lenden, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Eli Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat. The shooting sounded as if it was south from my house, and about the place where Dyer Hayford was found; someone rode down to Mackey's and in about fifteen minutes before the shots were fired. Saw the gun that Mackey wore when he came to my house, at his house. Did not know whether he had any revolver then or not. He usually carries one, have seen him have one several times. Did not see any flour on his coat. It was a heavy revolver which he usually carried. He also wore a pair of [illegible] that night. When Mackey left my house he went in his [illegible] and afterward heard him going down to town [illegible] sack of flour on the edge of the creek [illegible] the bank. Was found about twenty yards from [illegible]. Did Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Byrd, sworn - I live about [illegible] west of Eli Mackey's. Saturday night was at home [illegible] came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about [illegible] yards off and southwest from my house. After the firing I heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Quillin told me he met Mackey on the road towards home, and that Mackey heard him and he wouldn't answer. Didn't see him again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's greek coat, he had a revolver on. It was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Vinny's and heard a shot fired, and soon after heard a man hallooing, ran out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself ran down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I knew it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Margrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the [illegible] from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.
Murderer of Hayford Captured and Hung.
Tragical events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in Company with his son, Charles T. Wheaton, Edward Coe - the latter on police duty in this city - and Benj. Files, forthe purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his feadiness to surrender; but even afterthey approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood. he confessed to having committed the deed himself. He also confessed to having killed fice other men, and also to having shot at Major Hefford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that humanity [illegible] every moment this desperado was allowed to live, [illegible] the lives of good citizens. We learn that the house by [illegible] was [illegible] the ground. The sufferers from their [illegible] among the best of our young men. [illegible] force in the city they have performed their [illegible] generous and brave to a fault, the death of one [illegible] prematures a spirit of sadness that cannot [illegible] disappeared. [illegible] of Mr. Coe was brought into the city [illegible] sermon by Mr. Irwin was escorted [illegible] cession [illegible] by the members of the Grand Army of the Republic to the cemetery where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still labor[illegible] under the excitement growing out of the tragedy of Wednesday, [illegible] the jail and having possessed themselves of the keys took Jackson [illegible] and Henry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his escape[illegible] ment, to the ravine near the poorhouse and hung them [illegible] where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated [illegible] of it until the next morning."

Benjamin Giles, being first duly sworn, testified as follows:

[illegible]: What's your name? A Benjamin Giles.
Q [illegible] your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you living there at the close of the war? A [illegible]
Q Were you living there in '66, December? A I [illegible] since '66.
Q [illegible] Hayford? A Yes, sir.
Q How long were you before December '66. A Yes sir. I [illegible] in the [illegible] of two years before that and [illegible] time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the [illegible] the hill along in the mouth; yes, sir he was killed in the [illegible] about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.
Q Who? A Eli Machey.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon [illegible]

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty Minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometim in February, 26th I think it was.
Q Of February following, of '67? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe,
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir,
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail i.. not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 68.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey? A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him? A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done

Q '67? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

MR. HASTINGS: The Cherokee Nation asks that all the testimony introduced in the case of Aaron Webber, D-210, with reference to the return of the Webber detachment, be introduced and made a part of the record in this case.

MR. BROWN: Comes now the agent for the applicant and moves the Commission to strike from the records of this case all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and irrelevant and not the best evidence, it being purely hearsay.

COMMISSION: The request of the representative of the Cherokee Nation will be complied with, and the testimony filed.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-[illegible], D-[illegible], D-401, D-402, D-404, D-407, D-775, and in D-381, the same being the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1902.

(seal) (Signed) Philip G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

(Signed) Arthur G. Evans.

Subscribed and sworn to before me this 23rd day of July, 1902.

P G Reuter

Notary Public.

COMMISSION
AUG 1 1982
ADDRESS
CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 493, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Osa Freeman, D 460;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothemberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Freeman, et al. as Cherokee Freedmen, consolidating the applications of

John Freeman, et al.,.....	Cherokee	Freedmen	D 458
George Freeman, et al.,.....	"	"	D 459
Osa Freeman,.....	"	"	D 460
Eliza Cannon,.....	"	"	D 612
Mary Thompson, et al.,.....	"	"	D 614

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by John Freeman for himself, his wife, Nettie Freeman, and his minor children, John H., Elnora, Charlie, Jesse, Walter, Luther and Arizona Freeman, and subsequent to the date of his application an affidavit was filed as to the birth of his minor child, Ora Freeman, and the same is made a part of the record herein; by George Freeman for himself, his wife, Carrie Freeman, and his minor child, Annie Freeman; by Osa Freeman for himself; by Eliza Cannon for herself; by Mary Thompson for herself and her minor children, Clarence, Ethel and Bessie Thompson. Evidence taken at various times in the cases of Edward Wright, Aaron Webber, Joe Ross, Jefferson Ross, Elizabeth Meige and Samuel Beck is filed herewith and made a part of the record herein.

The evidence shows that John Freeman and his wife, Nettie Freeman, are the common ancestors through whom all the other applicants, except George, Carrie and Annie Freeman and Eliza Cannon, claim rights to enrollment as Cherokee Freedmen; that George Freeman, Annie Freeman and Eliza Cannon are descendants of John Freeman and his former wife, Margaret Freeman; and that all the applicants herein except John and Nettie Freeman, were born since the commencement of the rebellion.

The evidence further shows that John Freeman, his former wife, Margaret Freeman, and his present wife, Nettie Freeman, were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation, but returned thereto prior to January 19, 1867.

There is no evidence showing that Carrie Freeman or any of her ancestors were slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the commencement of the rebellion. It further appears that her name is not found upon the 1880 authenticated Cherokee roll.

The evidence further shows that all the applicants herein, except Carrie Freeman, have resided in the Cherokee Nation from 1866, or from their birth where born thereafter, up to and including the

date of their applications herein.

It is, therefore, the opinion of this Commission that the application for the enrollment of Carrie Freeman, as a Cherokee Freedman, should be denied, under the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats.,495); and that John Freeman, Nettie Freeman, John H. Freeman, Elnora Freeman, Charlie Freeman, Jesse Freeman, Walter Freeman, Luther Freeman, Arizona Freeman, Ora Freeman, George Freeman, Annie Freeman, Eliza Cannon, Osa Freeman, Mary Thompson, Clarence Thompson, Ethel Thompson and Bessie Thompson should be enrolled as Cherokee Freedmen, under the provisions of Section twenty-one above mentioned, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.

(SIGNED). T. B. Needles.

(SIGNED). C. R. Breckinridge.

W. E. Stanley.

Muskogee, Indian Territory,

this JUL 1 - 1903

Cherokee Freedmen
D: 458, 459, 460,
612 and 614.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JUNE 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of John Freeman, et al., George Freeman, et al., Osa Freeman et al., Eliza Cannon and Mary Thompson, et al., as Cherokee freedman.

It appears that on May 7, 1904, the principal applicants, their attorney and the attorney for the Cherokee Nation were each notified by letter that an opportunity would be given them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 15, 1904, and introduce further testimony touching upon the points mentioned in said letter.

APPEARANCES:
Applicants appear by attorney A. S. McRea, and applicant George Freeman appears in person.
Cherokee Nation by its attorney James S. Davenport.

MARTHA E. LABRUM, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Martha E. Labrum.
Q How old are you? A 63.
Q What is your post office address? A Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q You are a citizen of the United States? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman, et al., A Yes, I know John Freeman.
Q Do you know his children? A Yes sir.
Q What were their names? A I think one was named Nettie; they were small; I don't know as I can call the boy's name.
Q Do you know whether or not John Freeman claimed to be a Cherokee freedman, had been a slave of a Cherokee freedman? A Don't know anything about that; he claimed he was coming down here to claim his rights.
Q Did you know his children, George and Osa? A No, I don't know them; he had one or two, two children when he lived there.

By Mr. Davenport:
Q Where did you know John Freeman, where did you first get acquainted with him? A On Grandfather's place, we came to Kansas in 1866.
Q You moved to the State of Kansas in 1866? A Yes, sir.
Q To what point did you move when you came? A About 3 1/2 miles northwest from Fort Scott.
Q Was it known as any special neighborhood, or did you get your mail at Fort Scott? A Yes, sir.
Q When you moved into that neighborhood you got acquainted with a colored man named Freeman? A Yes, sir, he worked for my grandfather.

Q What was his name? A Stoffer Carr.
Q What year was it you moved to where your grandfather was living?
A We moved there in '66, but we didn't crop on him that year.
Q What year do you first remember of John Free man being there?
A He was there when we first came there.
Q How long after you moved there did Freeman remain there? A He stayed there until 1867.
Q About how a man would John Freeman have been at thxat time? A I don't know, I am sure.
Q He was grown, was he? A Yes, sir.
Q Have a family? A Yes, sir, wife and two children.
Q About what time of the year '67 did he leave? A I couldn't just exactly tell, either in November or December.
Q Was it after the crop season of 1867? A Yes sir, I think it was mostly.
Q Were you married at that time? A Yes, sir.
Q What was your husband's name? A James H. Labrum.
Q Is he still living? A Yes, sir.
Q As I understand he is sick now and wasn't able to come down?
A Yes, sir.
Q Have you seen John Freeman since he moved from there? A No, sir.
Q Do you kx remember his wife's name? A John Freeman's wife, I don't know that I can tell her name now.
Q Do you remember any of his children's names? A One little girl was named Nettie.
Q You don't know whether he has the same wife living now as then?
A No, sir, I don't.
Q Do you know whether he had a boy at that time? A I think the last one was a boy; I couldn't tell his name.
Q They had a girl at that time named Nettie? A Yes, sir, if I remember right.
Q You say that he said when he left that he was coming down to the Cherokee Nation to claim his rights? A Yes, sir, and was very anxious to get away.
Q Is there anything, Mrs. Labrum, that causes you to remember about the time he left and come down this way? A He left there just after grandfather's death.
Q And he died when? A In October, 1867.
Q Freeman was living there then? A He was at the funeral, yes, sir, but I can't tell how long he stayed after that.
Q Do you know anything about the house Freeman lived in while there ? A Yes, sir, it was a log house that I intended to live in when I came to Kansas, and he was there, and I had to live with grandfather.

By Mr. McRea:
Q How old did you say you were, Mrs. Labrum? A 63.
Q Now state again, please, when and where and under what circumstances did you first get acquainted with and learn to know John Freeman? A I learned to know him on grandfather's place when we first come to Kansas in 1866
Q What time in 1866? A It was in March; he worked for my grandfather, and of course I saw him quite often.
Q Is this the same John Freeman who made application to the Commission to the Five Civilized Tribes for enrollment as a Cherokee freedman citizen on June 1, 1901? A I only say that is the only John Freeman that I know.

Q You don't swear positively that his John Freeman is the identical person? A I couldn't say that, because I haven't seen him.
Q Mrs. Labrum, how often did you see John Freeman during the year 1866, if at all? A Sometimes every day.
Q During the whole year? A I won't say every day during the whole year.
Q Did you ever miss him from Fort Scott during the year, 1866?
A Not while grandfather was living. After grandfather's death he left.
Q Where did you say he wentto? A Coming down here, he said.
Q For what purpose? A To get his claim here.
Q Now I would ask you, Mrs. Labrum, if you have ever given this matter any though pertaining to your knowledge of John Freeman, the applicant here, before now since 1866? A No, sir.
Q You have never thought of him, have you? A No, I don't know as I have.
Q Now, Mrs. Labrum, I would ask you when your attention was first called as to your knowledge about John Freeman, the applicant herein, and by whom was your attention called? A By Mr. Keys.
Q When and where, if you please? A I think it was Saturday, if I am not mistaken.
Q Then Saturday, June 11, 1904, was the first time since October or November 1867, that you ever though of or had any information pertaining to your knowledge of John Freeman? A Yes, sir, it was quite a surprise to us.
Q That has been quite a good many years, hasn't it? A A very long time.
Q About how old a man was John at that time? A I couldn't say.
Q Well, approximately? A Perhaps 30, I couldn't tell.
Q Did he have a family? A Yes, sir, wife and two children.
Q Are you positive that his family only consisted of himself, wife and two children? A I think that was all then, but I can't think what his wife's name was.
Q You say Mr. J. M. Keys here is the gentleman who first called your attention as to what you knew of John Freeman? A Yes, sir.
Q What did he say to you? A He wanted to know if we knew him and when and asked several questions that way? I couldn't tell just exactly when he left.
Q So you kept quite an accurate account of John's whereabouts during the entire year 1866, did you state '66 or '7? A '66, I mean. We come there in 1866.
Q About March, 1866? A Yes, sir, and we stayed there until 1867.
Q Where was he on the first day of July, 1866? A I couldn't tell that.
Q Where was he on the 10th day of July, 1866? A I couldn't tell that.
Q Where was he on the 19th day of July, 1866? A I could'nt tell that.
Q You don't know do you? A No, I don't.
Q Where was he on the 30th day of July, 1866? A I couldn't tell that.
Q You don't know do you, No, sir.
Q You are not prepared to say that he was not in the Cherokee Nation from the 9th to the 31st day of July, 1866, are you? A He was there on the place until after grandfather died, and that was in 1867; I couldn't tell just what he was doing, but he was there, because he worked thereon the place.

Q Where was he on the first day of January, 1867 ? A He must have been there on the place;
Q He must have been on the place? A Yes, sir.
Q You don't know of your own knowledge, do you? A I know that he worked there.
Q You know that he was at work on the place on the first of January, 1867? A He worked for my grandfather all the time until he left, but I dan't tell what he was doing every day; some days one thing and some days another.
Q Where was he in November, 1866? A He must have been there on the place.
Q He couldn't have been anywhere else, could he? A Not that I know of.
Q He wasn't sick, was he? A I never knew of his being sick.
Q Did you see him at any time during the month of November, 1866?
A Yes, sir, I did.
Q Where at? A There on the place.
Q What time in the month? A I couldn't tell you that.
Q Well, didyou see him any time during the month of January, 1867? A Yes, sir, I did.
Q When and where at? A There on the place.
Q On your father's place in the State of Kansas? A On my grandfather's place; my grandfather died in 1867, in October, and he stayed there until after he died, and worked there.
Q Did you know any other persons in and around Fort Scott, Kansas, who went from the Territory to the State of Kansas, and lived in Fort Scott, other than John Freeman? A They say a family lived there by the name of Whitmire, Mose Whitmire.
Q You knew him, did you? A Yes, sir.
Q Did you know when he left Kansas? A He left about a year before John did.
Q Then he left in the year 1866, is that correct? A He must have left then.
Q He testifies to the fact that John Freeman, among others, accompanied him to the Territory in 1866, are you prepared to dispute that statement? A John didn't come with him; they went before John did.
Q Are you positive of it? A Yes, sir.
Q Whitmire testifies that he made three trips down to the Cherokee Nation, do you know whether or not that is a fact? A No, sir, couldn't say as to that.
Q Then it is possible that during the trips, on one of the trips, that he made down here, John Freeman could have accompanied him, is that true? A After October, 1867; John was there until after grandfather died, and after that he may have accompanied Mose down here.
Q '66, I am speaking of? A He wasn't here in 1866.
Q You are positive of it? A Yes, sir, I am.
Q What was his occupation upon your father's farm? A He quarried rock and hauled rock.
Q You say he worked by the day, month or year? A He was working to pay a debt; my grandfather sold him a yoke of oxen and he worked to pay it.
Q What was the amount of the debt? A Can't say as to that.
Q He began work for your father when? A He was working there when we come to Kansas.

Q When did he begin working for your grandfather? A I couldn't tell; he was there when I came.
Q Now Mrs. Labrum, did he work for your father? A No, sir, my grandfather.
Q He was working for your grandfather when you first came to Kansas? A Yes, sir.
Q About March, 1866? A Yes, sir.
Q What was he doing then? A He was hauling rock.
Q How long did he haul rock? A He did that most of the time; once in a while he would haul timber.
Q Was he working for your grandfather by the day, month or year?

Mr. Davenport: Objected to as immaterial.
Commission: Objection will be noted and witness will answer.

Q I ask if he was working for your grandfather by the day, by the month or by the year during the year 1866? A I can' say as to that; how grandfather paid him by the day or week or how, but he worked there to pay for the cattle. But I can't tell you how much he would give him a day.
Q Did he work for your grandfather continuously? A He worked there until grandfather died.
Q In the year 1867? A Yes, sir, he was owing grandfather then and he stayed a little longer to finish paying for the oxen.
Q He worked for your grandfather from March, 1866, to some time in 1867 to pay for a yoke of oxen ? A One of the oxen got killed and grandfather let him have another, and he had to stay to work that out.
Q I understood you to say, Mrs. Labrum, that you were married when you first went to your grandfather's farm? A Yes, sir.
Q Were you ever absent from your grandfather' farm at any time from March 1866, until January or February 1867? A Yes, sir, we lived just across the road from grandfather's farm during the first summer.
Q Did you ever take a trip anywhere? A No, sir.
Q How far was this place where you moved to from your grandfather's?
(I guess about 80 rods.

Mr. McRea: Comes now the applicant through his attorney and objects to the introduction of the testimony of the witness, Mrs. Labrum, and also the contemplated testimony of Mr. Coody, for the reason that the applicant was notified that they would be required to appear before the Commission the hear the testimony adduced by Adam Wright and James Martin. The applicant further states and shows that he is surprised at the Cherokee Nation and its representatives offering the testimony of the names of the persons herein mentioned, when the applicant was notified that testimony would be offered by the persons named in their affidavit or motion.

Commission: The Department's letter of April 24, remanding this case for further hearing states, "It is the desire of the Department to give the Nation reasonable opportunity to produce any evidence it may desire in citizenship cases." It is considered that the mere naming of witnesses by whom a fact will be proven would not compel the Nation to offer the testimony of those witnesses alone. The objection, however, will be noted.

JOHN H. COODY, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A John H. Coody.
Q How old are you? A 49 years old.
Q What is your post office address? A Nowata.
Q You are a Cherokee citizen by blood? A Yes, sir.
Q Do you know the applicants in this case, John, George, Osa, Freeman, et al.? A Yes, sir.

By MR. Davenport:
Q How long have you known the applicants, Mr. Coody? A I have known John Freeman since about 1869.
Q Did you know in 1869 the name of his wife? ANo, sir.
Q I will ask you if his wife, then living, is the same woman as his present wife? A No, sir.
Q Do you know the name of the lady that was his wife in 1901, when the enrollment was being made? A Nettie.
Q Do you know who she was before she married? A Stepdaughter of John Freeman's, I think.
Q Do you know whether she lived in the family during his first wife's lifetime? A Yes, sir, she lived in the family.
Q Do you know the names of any of the other children? A I know them when I see them but I don't know them by name.
Q You understand that Nettie is the daughter of his first wife by another husband? A Yes, sir.

By Mr. McRea:
Q You had no acquaintance of John Freeman or his ownership prior to 1869? A No, sir, only since that time.

Commission: There being no objection the taking of further testimony in this case will be continued until nine o'clock A.M. on Friday June 17, 1904.

June 17, 1904, the Cherokee Nation not being ready this case is continued by agreement, until June 18, 1904.

June 18, 1904, the applicants appearing by Attorney A.S. McRea, and the Cherokee Nation appearing by its attorneys, V. W. Hastings and L. B. Bell, the following testimony was introduced.

AARON WHITMIRE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Aaron Whitmire.
Q What is your age? A 68 or '9, don't know exactly.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman?
A Yes, sir.
Q How long have you known them? A Ever since before the war.

By Mr. Hastings:
Q Was John Freeman a slave of a Cherokee citizen before the war?
A Yes, sir.
Q How far did you live from them before the war? A About eight miles.

Did you know them during the war? A Yes, sir, after we went out from home I knew them during the war.
Q Where did you know them? A At Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Where was John at the close of the war? A There at Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Do you know what he was doing there, for whom he was working upon whose place he was residing directly after the war? A Yes, sir, on an old gentleman's place by the name of Carr; we called him grandpa Carr.
Q How far from Fort Scott was that? A About five or six miles, as near as I can recollect.
Q What direction? A Northeast.
Q Did you know a family up there by the name of Labrum? A Yes, sir
Q Were they any kin to these Carrs? A Labrum's wife was old grandpa's daughter.
Q The old man Carr was grandfather of Mrs. Labrum? A Yes, sir.
And John was living on this place, was he? A Yes, sir.
Q Which left for the Territory from Kansas first, you or Freeman? A I did.
Q Did you leave him up there when you left? A Yes, sir.
Q When you come to the Cherokee Nation where did you locate? A On Salt Creek where I live now.
Q And your postoffice is Hayden? A No, Coodys Bluff.
Q How far do you live from Coodys Bluff? A Three miles.
Q There is where you first located when you come to the Cherokee Nation? A Yes, sir, on Salt Creek.
Q What kin are you to Mose Whitmire? A Halfbrother.
Q What kin are you to Lewis Whitmire? A He is my own brother.
Q What time did you move your family to the Cherokee Nation after the war? A It was along in the Spring of '67, I think it was in February.
Q The last of February? A The first of February.
Q It was in the Spring of '67, was it? A Yes, sir.
Q Where did you move from when you moved down with your family? A From Fort Scott, near Fort Scott.
Q How far from where John Freeman was living? A About six miles, or seven from him.
Q You say then, you left him up there when you come? A Yes, sir.
Q Did he have a family at that time? A Yes, sir.
Q Did he have a wife? A Yes, sir.
Q Did he have any children? A He had two, as near as I can recollect.
Q What were their names? A Nettie and Al.
Q Was Nettie his own child? A No, sir, stepchild.
Q But he had the two there? A Yes, sir, there with him.
Q Did they go by his name? A Yes, sir, by the name of Freeman.
Q Well, you say when you moved from this place down to the Cherokee Nation where you now live, you left him there? A Yes, sir.
Q You know it was after that before you first saw him down in the Cherokee Nation? A It was in the winter of '67 when I saw him.
Q In the winter of '67? A Yes, sir.
Q Who did he come with the first time when he come? A I couldn't tell you who all the first time.
Q Did he bring his family the first time? A No, sir.
Q Did he bring anything with him at all? A Yes, sir, some plows and onething and another; tolls one kind and another.

Q How far did he locate from you on Salt Creek? A I 1/2 miles.
Q You had known him before the war? A Yes, sir.
Q And you had known him after the close of the war, in Fort Scott, Kansas? A Yes, sir.
Q You had known him up to the Spring before that? A Yes, sir.
Q You heard of him going in there, did you? A Yes, sir.
Q You say he didn't bring his family that time? A No, sir.
Q When did he bring his family back to the Cherokee Nation? A It must have been the spring of '68 when he brought his family.
Q How long did he stay there the first time in the winter of '67? A I couldn't just say, not very long.
Q He brought some plows with him? A Yes, sir.
Q You think it was before Christmas of '67,? A Yes, sir.
Q The last part of the winter of '67, was it? A Yes, sir, along in the winter of '67.
Q You say he located in about 1 1/2 miles of you? A Yes, sir.
Q Did he make that place? A Yes, sir, he made it.
Q Did he continue to live there? A He traded that off to a Delaware and he moved over there.
Q What was the Delaware's name? A Filmore Secondine.
Q How long did he live there before he traded with Filmore Secondine A I couldn't tell just how long it was.
Q Well, how far does he now live from you? A About three miles.
Q He lives now upon this place he got from Secondine? A Yes, sir.
Q But when he first come there he settled within 1 1/2 miles of you? A Yes, sir, and made a place himself.
Q That's where he first settled? A Yes, sir.
Q You say when Freeman first come down there he only stayed a short time and went back? A Yes, sir, only a short time.
Q Then he brought his family in the spring of 1868? A Yes, sir.
Q How long would it take to go to Fort Scott and back, about how far? A About four or five days.
Q One would not have to be gone long to go there and back? A No, sir
Q Did Sam Webber bring his family when you come? A He did.
Q You come a little in advance? A I come in advance.
And they come after you come? A Yes, sir, Sam Webber had his family when he come.
Q That is the same Sam that is alive up there at Nowata? A Yes sir, there is two Sams.
Q The old man is dead? A Yes, sir.
Q His wife was dead before they moved here, wasn't she? A I guess so.
Q Did young Sam marry in Kansas? A Yes, sir.
Q Did he marry before or after he left up there? A After I left; he went back from down there; it wasn't the woman he lives with now; she is dead.
Q He brought the first one when the rest of the families were brought? A Yes, sir.
Q He brought her here when what was called the Webber detachment came? A Yes, sir.
Q About how long did you come before that Webber detachment come?

Mr. McRea: Objected to for the reason the return of Sam Webber to the Cherokee Nation is no issue in this case and has no connection or bearing upon this case whatever in any respect.

Commission: Objection will be noted and witness will answer the question.

A I don't know.

Q You don't know how long after you come that that so-called Webber detachment come? A No, sir, I don't know.
Q They come after you come? Yes, sir, but I don't know the time.
Q You and your family was the first family that come there with women and children? A Yes, sir.
Q And these women and children and families come after that? A Yes, sir.

BY Mr. McRea:
Q Mr. Whitmire, you are quite positive to the statement of facts that you have testified to now are correct? A Yes, sir.
Q You are sure of that? A Yes, sir.
Q And you are positive that you can not be mistaken? A I might be mistaken in some things. I don't dispute but what I might bxe mistaken in some things.
Q Isn't it possible that you are mistaken when you say that John Freeman returned to the Cherokee Nation in the latter part of 1867, when the fact of the matter is he returned between November, 1866, and January, 1867? A I am not mistaken.
Q You are positive of that? A Yes, sir.
Q You represent that you are a brother or half-brother of Moses Whitmire? A Yes, sir.
Q And a whole brother of Lewis Wright, is that correct? A Yes, sir.
Q You know when they returned to the Cherokee Nation? A Yes, sir.
Q Do you know who returned with them? A No, sir.
Q You don't know who returned with them? A I don't know who returned with them, except they that did come with them.
Q Who did return with him? A The brothers Mose, Lewis, Nelson and Denny; I come ahead of them.
Q Do you know how many trips that your brothers, Mose and Lewis, made to the Cherokee Nation before settling here permanently? A No, sir, I don't.
Q Now your half-brother, Mose Whitmire, testified in this case at Chelsea, Indian Territory, on June 1, 1901, three years ago?
A Yes, sir.
Q He is a recognized citizen of the Cherokee Nation, your brothers are? A Yes, sir.
Q The same as yourself? A Yes, sir.
Q Your brother, Mose Whitmire, testified that he made three trips to the Cherokee Nation? A Yes, sir.

Mr. Hastings: The representatives of the Cherokee Nation object to this method of cross-examination, because this witness isn't giving Mose Whitmire's testimony, and the question or line of inquiry propounded by the attorney isn't proper cross-examination of this witness. It is proper to ask this witness upon cross-examination about anything developed in his examination in chief, but it is not proper to cross-examine this witness upon thx testimony alleged to have been taken by other witnesses at diffx different times in the trial of this case.

Commission: This is the Cherokee Nation's witness, and your corss-examination should be confined to matters brought out by the Nation's attorney, unless you wish to make him your own witness.

Mr. McRea: The attorney for the applicant desires to call the attention of the Commission to the fact that, in considering the final determination of these freedman citizenship cases, much latitude has been given for the purpose of ascertaining all

the facts, wherein the Commission may be guided to ascertain the true facts and status of the rights of applicants for admission to citizenship in the various nations.

Mr. Hastings: In reply the representatives of the Cherokee Nation desirex to state that what the attorney says is x in a great measure true, but under no latitude is it permissible to cross-examine one witness upon the testimony introduced by another witness.

Commission: Objection will be noted.

By Mr. McRea:

Q Your brother, Mose Whitmire, stated in his testimony that John Freeman returned to the Cherokee Nation some time in the fall of 1866 and that John come down as many as three times, are you prepared to dispute that statement?

Mr. Hastings: Objected to By the representatives of the Cherokee Nation, because it isn't proper cross-examination of this witness. This witness is here to testify independently of his own knowledge and upon his own judgment, and not upon the judgment of others, and it is not proper cross-examination to ask him whether other witnesses made a mistake or not.

Commission: Objection will be noted and witness will answer.

A Yes, sir.

Q You say that statement isn't true? A No, it aint.

Q Now, how do you know that it isn't true? A I have reasons to know I was right there when he come; Freeman come down twice to my knowing; that is when he moved down and when he come down with Mose and went back and moved some chaps.

Q Then he did come to the Cherokee Nation at one of the times with your brother, Moses did he? A No, sir, he didn't.

Q How do you account for your statement just now made? A I said he come one time when Mose come; come along with Mose and hauled some things for him and went back, and I don't know----

Q Who did he come with the next time? A Don't know anything about that.

Q Then you are positive that he did come at one of the times that your brother, Mose, come? A Yes sir.

Q Can you state, Mr. Whitmire, how many times your brother Mose came? A No, sir.

Q Did he come as many times as twice? A Yes, sir, as many as twice, maybe more.

Q You are satisfied that at one of the times mentioned John returned with him? A Yes, sir.

Q Now, do you know when your brother Mose returned the two times that he returned? A Yes sir, I do.

Q State when? A I will have to study a while.. Mose returned in '66 once or twice, and then he returned in '67, I believe, and different times; I couldn't just study what time.

Q Then you are positive that he returned as many as twice in '66?

A I don't know; I guess he did; backwards and forwards two or three different times.

Q In 1866? A As many as two or three times, I know, in '66.

Q Was it in '66? A Yes, sir.

Q Now, you have already stated that at one of the times mentioned of his return back here in 1866, that John Freeman accompanied him or come back with him?

Mr. Hastings: Objected to because it impeaches a statement not made by the witness. This witness has never stated that John Freeman came with Mose Whitmire in 1866. He says he hauled some things for Whitmire, but never stated that he hauled them in 1866, and the notes don't show it.

By the Commission:
Q Do you know what year it was that John Freeman accompanied your brother, Mose Whitmire, back to the Cherokee Nation? A Yes sir.
Q What year? A '67.
Q What time of the year? A I don't just recollect just what month it was, but it was in the winter.

By Mr. McRea:
Q When did your brother Mose come? A Him and Mose come together.
Q Did you know John Freeman's wife? A Yes, sir.
Q What was her name? A His wife he had then was named Margaret.
Q Is she alive now? A No, sir, she is dead.
Q Was she the slave of a Cherokee citizen? A Yes, sir.
Q To whom did she belong? A To Denningberg.
Q Did she go out during the war? A Yes, sir.
Q Where to? A Fort Scott.
Q Did she return? A Yes, sir.
Q When? A When Freeman did.
Q When was that? A In '67.
Q What time of the year '67? A It was in the winter time, I could not just tell the exact time.
Q In the early winter? A Long in the middle winter, I guess.
Q When were you first spoken to about testifying in this case?
A I have been spoken to, I couldn't tell just how long it has been.
Q About how long? A Some time last week when I was spoken to about testifying in this case.
Q Were you ever spoken to before about your knowledge about the return of John Freeman and family? A Yes, sir, I don't know how many times.
Q When was the first time you were spoken to about it? A At Vinita, I guess.
Q How long ago has that been? A All the time since they commenced enrolling.
Q Well, did you go? A No, sir.
Q Why? A I couldn't; I was sick is the reason I didn't go.
Q You knew these same facts at the time, did you? A Yes, sir, knew them all the time.

By Mr. Hastings:
Q You say you lived up there in Fort Scott, Kansas, when John Freeman lived there? A Yes, sir, in three miles of Fort Scott.
Q And when you left there in February, 1867, you left him up there?
A I come in '66.
Q When you moved your family in '67, you left him? A Yes, sir.
Q He was living on old man Carr's place? A Yes, sir.
Q And he come down here for the first time in the fall of '67 with some things? A Yes, sir.
Q Did John bring his wife that trip? A No, sir.
Q He went back and brought his wife in the spring of '68? A Yes, sir
Q Did your brother Mose make several trips to the Cherokee Nation?
A Yes, sir, as manyas two or three different trips that I know of.
Q When did he bring his family to the Cherokee Nation? A He bring his family to the Cherokee Nation about the first trip he made; I don't remember the time of his first trip.

Q When did he move his family, how long after you moved?
A I believe, I moved in the winter, and he come the next spring.
Q You moved, as you stated, in February, 1867, and he moved in the Spring following? A Yes, sir.
Q Did Lewi come with him? A Yes, sir.
Q And that's when they moved their families? A Yes, sir.
Q And it was after this that John Freeman brought a load down there for him? A Yes, sir, it was after he come that he brought a load for him.
Q But John, himself, didn't come down there until 1868? A No, sir.

By Mr. McRea:
Q I understood you to say, Mr. Whitmire, in your examination in chief that you lived six or seven miles from John Freeman, is that correct, in Kansas? A Yes, sir, that is correct.
Q Now how often would you see John Freeman during the year 1866?
A I never see him after I left there until he come here.
A Did you see him at all in Kansas in 1866? A Yes, sir, I guess I did.
Q How often did you see him? A I couldn't say just how often.
Q Did you see him as often as once a month? A Yes, sir, I think I did.
Q What time in '66 did you return? A It was about, I can't recollect just what time.
Q What season of the year? A It was before Christmas; I don't recollect just exactly what time it was.
Q Then you left Freeman in Kansas? A Yes, sir, I left him in Kansas.

By the Commission:

Q Did you know any of the members of John Freeman's family in Kansas? A Yes, sir.
Q Did he have any children up there? A Yes, sir, some stepchildren, and maybe one of his own.
Q When he returned with his family, as you state, in 1868, who composed the members of that family that he brought here? A He had his wife and three children.
Q Do you remember their names? A Yes, sir.
Q State their names? A Nettie was his oldest, his stepdaughter, and Al was his stepson, and then he had a daughter of his own named Caroline.
Q Did he have a son named George? A Yes, sir.
Q Did he bring that son back here with him? A Yes, sir, I think he was a baby when they come.
Q Do you know whether or not any of the members of that family had been in the Cherokee Nation since the war prior to that time, with the exception of this trip that John made with your brother? A I don't know.
Q But they were all living together up there in Kansas when you knew them? A Yes, sir.

By Mr Hastings:
Q I believe you stated that the Cherokee Nation had made numerous efforts to get you to testify before the Commission, but had been unable to get you because you were sick? A Yes, sir.

(Continued by agreement until July 15, 1904.)

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Edith L. Morey, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this the 3rd day of August 1904.

Chauncey B. Sawyer
Notary Public.

July 16, 1904.
APPEARANCES:
Applicant, George Freeman, in person and by attorneys, A. D. McRea and R. W. Blue.
Cherokee Nation by attorney James S. Davenport.

FRANKLIN ROSS, being first duly sworn, testified as follows on behalf of applicants.

By the Commission:
Q What is your name? A Franklin Ross.
Q How old are you? A About 57.
Q What is your post office? A Hayden.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman, and their brothers and sisters? A Yes, sir.
Q How long have you known them? A About 38 years.

By Mr. McRea:
Q You are a recognized citizen of the Cherokee Nation? A Yes, sir,
Q When was the first time you saw John Freeman, the father of George Freeman, in the Cherokee Nation? A In the fall of 1866, along about October.
Q A t what place in the Cherokee Nation did you meet him? A On Lightning Creek where I saw him.
Q Had you any acquaintance with him before that meeting? A No sir, not then; he was with a man that I was acquainted with and they made me acquainted with him.
Q How long was it before you saw him again in the Cherokee Nation, after you first saw him in the fall of 1866? A I saw him about the next year.
Q 1867? A Yes, sir.
Q Where was he then? A He was living on his place up there on Salt Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Has he resided continuously in the Cherokee Nation from 1867 up until the present time? A Yes, sir, I have never known him to be out.
Q Now is he John Freeman, the fatherof the principal applicant, the same person whom you met in 1866? A Yes sir.
Q In the Cherokee Nation? A Yes, sir.
Q You are acquainted with his son George and the other members of his family? A Yes, sir.

By Mr. Davenport:
Q Had you known John Freeman before the war? A No, sir.
Q The first time you ever met him was when you met him on Lightning Creek? A Yes, sir.
Q Where were you living then? A On Pryors Creek.

Q How far from Lightning Creek? A About 28 miles, I guess.
Q When you met John Freeman where was he living? A He was down there fixing to build, living in camp.
Q Did he have his family with him? A No, sir, I didn't see any. He was there on Lightning Creek with Mose Whitmire.

Q Who did you refer to when you say they? A Mose.
Q I am not asking you about Mose, I am speaking about----?
A They were there on Lightning Creek fixingto build houses.
Q Did they have any women folks there? A Might have had; I didn't see any.
Q You had never seen John Freeman before? A No, sir.
QAndx you didn't see him again until when? A The next year following in the fall.
Q The fall of 1867? A Yes, sir.
Did you have any conversation when you wesaw him in the fall of 1867 as to where they were during the war? A They said they come from Fort Scott.
Q What makes you remember that it was 1866 that you saw him up there first with Mose Whitmire? A Because in the spring of 1866 I come home, and in the fall we went up there to hunt us some places, that is how come me to know it was '66.
Q You didn't make any memorandum of the date when you vent there? A No, sir.
Q Well, who was living up in that country at that time? A Nobody living around there; them men was there fixing to build some houses; just a wild country.
Q Did you see anyone else other than John Freeman and Mose Whitmire
A I seen Nels Whitmire, Dick Whitmire and a whole lot more
Q Nelson Murrell? A He lives away above there.
Q What did John Freeman have there in the way of a home or anything when you claim you saw him in 1866? A He hadn't built any.
Q He told you he had been to Fort Scott during the war? A Yes, sir.
Q When was that he told you that? A When I saw him there in the fall.
Q 1866 or 1867? A '66 the first time.
Q Where did he tell you his family was? A I didn't ask him.
Q Did he tell you that they had just moved back from Kansas or not? A He didn't say; he was there xx building houses; he hadn't moved back, because he was there building.
Q Do you know his family. A Yes, sir.
Q When did his family move to the Cherokee Nation? A I don't know when. They was there in 1867 when I went back the next fall.
Q You are positive of that fact? A Yes, sir.
Q Were you ever to Fort Scott, Kansas where they lived? A Never was at his house; was at Fort scott in 1862 and left there in '63.
Q You didn't know John until after the war? A No, sir not until I seen him on Lightning Creek in '66.
Q You didn't know John Freeman when he lived on old man LaBrum's place in Fort scott, Kansas? A No, sir.
Q I will akkyou if you couldn't be mistaken as to the year you first saw xx him on Lightning Creek? A No, sir.
Q I will ask you if John Freeman, together with his family, didn't live on Labrum's place in Fort scott, Kansas, until the spring of 1868: A He couldn't have, I saw him up there in '66, and have been seeing him often and on since.
Q Do you state positively that they didn't live on old man Labrum's place near Fort Scott, Kansas, in 1867, and the early part of 1868?
Q I say positively that they didn't, couldn't have been.
Q How far from where you claim John Freeman was located on Lightning Creek is it to where you were living in 1866? A About 28 miles, as near as I can come at it.

Q How far were you living from the place you claim he located on in 1867? A He lived right in the neighborhood when I seen him; about two miles from there where I first seen him.
Q Who else was living there near him in 1867 when you say you saw his family living there with him? A A good many Inguns and Delawares.
Q What Delawares? A Henry Armstrong for one was living there close; I don't know the others.
Q Where was Cal Coker living at that time? A Down on the river somewheres.
Q How far from Freeman's? A About four or five miles.
Q Where was Clem Rogers living at that time? A I don't know whether he had come back or not in 1867. I never seen Clem Rogers until along in '70.
Q Is there anything other than just your memory that you rely upon? That you rely upon that you saw John Freeman there in 1866? A No, sir, how come me to remember it so well, because I come home in the spring of '66, and that fall I went up there to hunt me a place and live there now.
Q You located that place when? A '66.
Q When did you move onto it? A In '73.
Q How often were you up to that place from the time you located it until the time you moved on it? A Nearly every month or two; then I stayed up there on the Verdigris and worked a good deal.
Q Who was living near John Freeman in 1867, when you say you say him up there in 1867 with his family? A Henry Armstrong, a Delaware.
Q Henry Armstrong knows when John came there? A I don't know.
Q What other colored people were living there near John in 1867? A Old man Mose and Dennis Wright, Lewis Wright and a whole lot of them.
Q There was none there but Mose in 1866? A His brothers was with him, Nelson and Lewis and Dick Whitmire, little Mose Whitmire.
Q Didn't you say a while ago that there was nobody but Mose and John there in 1866? A No, sir, I didn't say it.
Q Was Aaron Whitmire there? A I never seen him.
Q Did you ever see him up there? A Yes, sir, the other day.
Q When did John first learn about what you knew in this case? A He knowed it all the time, been talking about it all the time.
Q Have you ever testified before in this case? A No, sir.
Q When were you first subpoenaed to come? A I was here the other times and you put it off.
Q How long had you been subpoenaed before that time? A He told me about it two or three weeks before that.
Q You were around with the enrolling Commission nearly all the time? A No, sir.
Q The greater part of the time? A Not all the time.
Q Well, quite often? A Yes, sir quite often.
Q John Freeman was there when you were there? A I never seen him but once when I was there.
Q You seem to know the exact date when he came? A No, sir, I don't say I know the exact date; I said I saw him in October.
Q You remember the month? A Yes, sir, but not the day.
Q What makes you remember it was in October? A Because I remember the months that I was there.
Q What month of the year did you go back there in 1867? A Along in about July, '67.
Q What month of the year did you go back in 1868? A I went in the spring and stayed there on the Verdigris in March.

Q What month did you go there in 1869? A I lived up there pretty near all the time after '68.
Q Do you want to be understood that from your memory you can remember the month that you went up on Lightning Creek, which took place about 37 years ago? A I recollect the month that I went up there.
Q You hadn't thought about that until this enrollment took place had you? A Yes, sir.
Q How many times? A I don't know.
Q You knew that John Freeman was on the doubtful roll? A Yes, sir
Q You knew his citizenship was disputed? A Yes, sir, that wasn't nothing.
Q You don't know anything about where he lived in Kansas of your own knowledge? A I never saw him in Kansas.
Q Do you know anything about it of your own knowledge, whether he lived there? A No, sir, I didn't see him.
Q You don't know anything about his whereabouts or ownership before the war broke out? A No, sir.
Q And you never testified in his case before today, notwithstanding John Freeman has been on the doubtful roll and his citizenship disputed ever since the war? A That is for him to say; I don't know nothing about it.
qQ Do you know as much about that as the time you undertook to fix when you first saw John Freeman and his family in the Cherokee Nation. A I never fixedthe time; he had his family here.
Q You know just as much about his citizenship being in dispute as you do about the time he brought his family back? A No, sir.
Q Didn't you ever learn that John Freeman's citizenship was disputed? A Yes, sir, I heard them ~~xxxxx~~ talk about it; never did know it for certain.
Q You attended the enrollment of the Wallace roll? A I went there ~~xx~~ and put down my name.
Q You knew John was in the country when that roll was made? A Yes, sir.
Q You attended the making of the Kern-Clifton Roll? A Yes sir/
Q And you attended the making of the roll and taking of the testimony by the Commission to the Five Civilized Tribes? A ~~X~~ Yes sir.
Q And didn't learn that John's citizenship was disputed? A No, sir.
Q When did you first learn that his citizenship was disputed?
Q I know they disputed the citizenship of all of us.
Q I aint asking you that, when did you first learn that John's citizenship was disputed? A When the notice come back to him to furnish more evidence.
Q How f r do you live from John Freeman? A About four miles.
Q How long have you been living that near him? A Ever since '73, I have been living there.
Q Do you want it understood that you have ~~xxxxxxxxxx~~ lived in four miles of John Freeman since /1873? A Yes, sir.
Q And that you didn't learn of his citizenship as a ~~freedman~~ citizen ofthe Cherokee Nation being in dispute? A No, sir, I didn't know it.

By Mr. McRea:
Q Mrs. Labrum, who testified in behalf of the Cherokee Nation on June 15, past, testified that she knew John Freeman, the father of the applicant, George Freeman, to remain in the State of Kansas, near Fort Scott, from 1866 until after October, 1867, could her statement be correct? A It couldn't be.
Q Then she is mistaken? A Yes, sir.

By Mr. Davenport:
Q You have testified in a number of freedmen cases? A A few.
Q About how many? A About 7 or 8.
Q Haven't you testified in about 30 or 40? A I don't think so.
Q You don't know anything about Mrs. Labrum's testimony do you?
A No, sir, if she testified-----
Q Might not you be mistaken as well as she as to the date of John Freeman being in the Cherokee Nation? A I aint mistaken about seeing him.
Q Might you not be mistaken about seeing his family living there in 1867? A No, sir.
Q No possible chance for you to be mistaken? A No, sir, I know that I went there and got some watermelons from him.

By Mr. McRea:
Q You were here and heard Mrs. Labrum testify, didn't you, in behalf of the Nation? A They wouldn't let us in here.
Q You were here on that day? A Yes, sir.

ANN SANDERS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Ann Sanders.
Q How old are you? A Something over 50.
Q What is your postoffice address? A Hayden.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman?
A Yes, sir.

By Mr. McRea:
Q How long have you known John Freeman, the father of George? A Ever since I was big enough to recollect.
Q Did you know him when he lived at or around Fort Scott, Kansas?

A I lived at Lawrence, I knew him.
Q Did you see him during the war, in 1866? A Yes, sir.
Q Near Fort Scott? A Yes, sir.
Q Where at? A Right in Fort Scott, we were camped on a Creek, coming to this country.
Q Did you have a conversation with him at the time you met him?
A Yes, sir.
Q State what that conversation was?

Mr. Davenport: The representatives of the Cherokee Nation object to that on the ground that decl rations in the interest of a party plaintiff or defendant of the party, themselves, cannot be introduced either as direct evidence in their own interest or in rebuttal of evidence brought out by the opposing party, but only declarations against interest can be used against either party in the trial of any lawsuit.

Commission: The applicant will be permitted to answer the question subject to the objection of the attorney for the Cherokee Nation.

A We were camped there and Mr. Freeman and Sam Webber and Peter Meigs and several others, old man Mike Sanders, had returned from the

Cherokee Nation, just come in, they said, that is what they said, had been building houses down on the Verdigris somewhere and had come for their families.
Q Had they just arrived? A Just come in; hadn't got home.
Q Did you see the teams they were driving? A Yes, sir, they were all out there.
Q What time of the year, 1866, was that? A Along in---- it was cold.
Q In the fall? A Yes, sir.

By Mr. Davenport:
Q How old are you? A I told you 50 something, I don't know exactly.
Q Where were you raised? A At Tahlequah.
Q Cherokee Nation? A Yes, sir.
Q Who was your former owner? A Nick Sanders.
Q You went away from the Cherokee Nation during the war? A Yes, sir.
Q Did your former owner go with you? A He didn't go with me; he went with the soldiers.
How long did you stay in Kansas? A I think it was '63, when we went, and come back in '66.
Q To what point did you come when you came back? A Tahlequah.
Q Did you come back before or after the treaty, was made? A Treaty was made in '66, I don't know; I know I come in '66.
Q Did you come back before or after the treaty, you know when it was made, don't you? A I heard William Ross make a speech at Tahlequah, telling all the freedmen to come home, saying that they had the same right that he did.
Q When was that? A After I come.
Q How long had you been back when you heard this speech? A We come in the winter and along in the spring like I went up there to see mother and William Ross made a speech.
Q You came back and got back to Tahlequah sometimes in the winter and came on down to Fort Gibson and sometime the following spring you heard William P. Ross make a speech in regard to the freedmen all coming back to the Cherokee Nation, is that correct? A I said we come to Tahlequah in the winter of '66, and somtime after that we come, Uncle Ben taken me to Fort Gibson and then I come back up there to see mother and there was speeking in the square there about the '66 treaty.
Q How long was it after you came back to Fort Gibson and then went back to Tahlequah and heard this speech? A I don't know.
Q A month or two? A I don't know.
Q Have you no recollect whatever as to when you learned about the treaty? A I tell you that is all I know.
Q Do you remember what you were doing in 1865? A I was there at home.
Q Where? A 1865?
Q Yes? A I was living at Lawrence.
Q Did you see John Freeman in 1865? A No, sir.
Q You testified to-day, didn't you, in a case that was heard here? A Yes, sir.
Q What case was that? A That Still case.
Q That Paulina Turk case? A Yes, sir.

Q How old were you when you claim to have met these parties at Fort Scott, Kansas? A I don't know, sir, just a young woman, I reckon I was a young woman.
Q Had you known any of those parties before the war? A Yes, sir.
Q When were you first spoken to about being a witness in this case? A Mr. Freeman asked me didn't I know about coming up to Lightning Creek and seeing them there.
Q When was that? A In '67.
Q I mean when did he speak to you about being a witness? A To-day.
Q Is John Freeman here to-day? A His son did.
Q Did I understand you to day that you went to Lightning Creek and saw them? A Yes, sir.
Q When did you tell that, I haven't heard you tell of it? A You hadn't asked me~~,-I-~~ yet; youasked me when did I see him.
Q When did he speak to you about being a witness? A To-day.
Q You have been a witness in this case before to-day? A No, sir.
Q He knew this all the time, about seeing you? A I guess so.
Q Who did you first tell that you remembered seeing John Freeman up there? A I don't know.
Q You had never thought about it at all, had you? A Yes, sir.
Q You didn't think about------? A I didn't know it was him.
Q You knew that John and his family were living up there in Fort Scott Kansas, in the fall of 1866? A Yes, sir.
Q Are you any relation to any of the family? A No, sir.
Q Did you know John Freeman before the war? A I knowed him when I seen him.
Q Aren't you mistaken about meeting John Freeman and Sam Webber and those people? A No, sir.
Q Who did you meet further down the line as you came back to the Cherokee Nation in the fall of 1866? A We would meet people and not know them and we would overtake some.
Q Who did you overtake? A Ben Grimmett, Polly Wildcat.
Q That was in 1866? A Yes, sir.
Q Who was the first party you met when you got back to Tahlequah? A My mother.
Q Who was the next party? A Mrs. Fish.
Q And you haven't talked with John Freeman about this evidence, have you or not? A I told you his son spoke to me to-day, didn't I remember when I seen him, and I told him, "Yes sir."
Q Who was in that crowd at that time you saw John Freeman? A Lewis and Mose Whitmire, Mike Sanders, Peter Meigs.
Q Anyone else? A Old man Sam Webber.
Q Anyone else? A A good many, but I can't remember them all.
Q Was Nelson Murrell along? A I didn't see him, I don't know; there was quite a crowd.
Q You had come down from Lawrence by the way of Fort Scott? A Yes, sir, I did.
Q What part of the month of October was it you saw him there? A Did I tell you October, no, sir.
Q What time of the year was it? A I told you it was cold.
Q What month was it? A I couldn't tell.
Q What time did you get to Tahlequah? A I don't know; it was cold.
Q Before or after Christmas? A I don't know, about Christmas, I guess.
Q Didn't you testify today in that case that you got to Tahlequah in August, 1866? A No, sir.

By Mr. McRea:
When you met John Freeman and his crowd at Fort Scott, Kansas, were you enroute to the Cherokee Nation then? A Yes, sir.

Q When was the first time that you saw John Freeman and his family in the Cherokee Nation? A In '67.
Q Where were they living then? A Right where Fillmore Secondine lives.
Q Do you recollect about what time in 1867 that was? AI couldn't tell; I know it was last of August or September sometime like that.
Q Have you continuously seen him in the Cherokee Nation since August or September of 1867? A Yes, sir, I seen him passing around.
Q Are you any relation to the applicant, John Freeman, and his family? A No, sir.
Q You have no interest in the ultimate result of this case, have you? A No, sir.

Mr. Davenport: The Cherokee Nation asks that the testimony of Ann Sanders taken in the case of Paulina Kurk be made a part of the record in this case.

Commission: The request of the Cherokee Nation's attorney will be complied with.

GEORGE WEST VANN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A George West Vann.
Q How old are you? A 53.
Q What is your postoffice address? A Lenapah.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman and their families? A Yes, sir.
Q When did you first get acquainted with them? A First got acquainted with old man John Freeman in Kansas.
Q When? A In '65, I believe.
Q Where was he living then? A Up in Kansas, I didn't see him right to his home; I saw him in Fort Scott

By Mr. McRea:
Q When was the first time you ever saw John Freeman in the Cherokee Nation? A In January, '67.
Q Where at? A Cooweescoowee district.
Q Did he have a family with him then? A Yes, sir, I never saw but two children and his wife.
Q Where he now lives? A Yes, sir.
Q He is residing there now? A Yes, sir.
Q Have you continued to see him at different intervals? A Yes, sir, sometimes; he come down here where we live a time or two, on Spring Creek, and have seen him off and on until now.
Q He is the same John Freeman whom you saw or first met in '65, in Fort Scott, Kansas, and afterwards seen him in the Cherokee Nation with his family, about January, 1867? A Yes, sir, that is the same man.
Q Are you any relation to John Freeman, the father of the applicant George Freeman? A No sir.
Q Have you any interest in the ultimate result, or outcome of this case? A No, sir.

By Mr. Davenport:
Q Had you known John Freeman before the war? A No, sir.
Q When did you come back to the Cherokee Nation? A Got back in '66.
Q Who come back with you? A I couldn't count them every one.
Q Do you know the most of them? A Uncle Gilbert, Kess Shaw, Joe Bean, Tobe, Jack Bean, Ellis Vann, Eli Vann, David Vann, Susan Boles, Ibbie Daniels, Patsy Daniels, Phyllis Bean, Lou Bean, Walker Vann, Sam Vann, Aunt Chlora Choteau and herdaughter, Louisa Choteau, Toby Choteau.
Q You say you saw John Freeman in Fort Scott, Kansas? A '65, time of Price's raid.
Q When did you next see him? A In January '67.
Q What causes you to remember it was January, 1867? A We were hunting stolen horses in '67, and I was through that country.
Q Who lived in that country at that time? A I saw the Wrights.
Q How many of the Wrights? A I saw Mose, Aaron, Dennis, Uncle Jack Landrum, John Freeman and Uncle Sam Mosely.
Q Did you make any notation as to its being January, 1867? A I know it was, because we come down in the fall of '66, and it was after Christmas.
Q You don't know how long after Christmas? A Just after Christmas.
Q You say John Freeman was living up there with his family in January, 1867? A Yes, sir.
Q On what place with reference to the place he lives on now? A He swapped places with Secondine and lives on the other place.
Q How far are the places apart? A I judge about a mile.
Q When did Secondine come down there and start this place? A '67, I think, it was.
Q He was a Delaware Indian? A Yes, sir.
Q And didn't come down and start this place until after the Delaware treaty was made? A I know there wasn't no Delawares living there when I saw them.
Q You knew Filmore Secondine during his lifetime? A Yes, sir.
Q You heard him testify in this case once did you? A Yes, sir, I think so.
Q Didn't you hear him say there wasn't nobody living there in that neighborhood? A I heard lots of people say I didn't come back, too.
Q You didn't prove that you were up on Lightning Creek? A No, sir, they didn't ask me; I could have.
Q You don't know when John Freeman began his placeup there?
A There wasn't much done on the place when I was there.
Q Was there any broke land? A I don't recollect seeing any; I just saw a little old cabin.
Q Who lived near at that time? A Aaron and a lot of them; Albert Morris I think was in, Al Morris, but that other man I can't think of his name --Sam-----
Q He is dead now? A Yes, sir, I guess he is.
Q Where was Henry Armstrong living then? A He wasn't there; I didn't see him.
Q Can of think of anyone that is living other than those people you have mentioned? A I just seen them there then.
Q Where was your home there then? A On Spring Creek.
Q In Tahlequah District? A No, sir, Saline.
Q On the east side of Grand River? A Yes, sir.
Q You were hunting stolen horses then, were you? A I was hunting stolen horses and come down by old Bob Daniels, across the river, on the Verdigris.

Q There were no roads through that country at that time? A No, sir, grass was high as a man on a horse.
Q The old military road leading to Fort Gibson from Fort Scott, Kansas, wasn't there? A It was away this way; the old California road run out that way.
Q Was that the first time that you had been up in that country on the Verdigris since the war? A Yes, sir.
Q Had you been there before the war? A Yes, sir.
Q Who lived up in there before the the war? A I don't know, nobody, Charley Rogers and them Coddys.
Q How far is this place where John Freeman lived from the old Coddy place? A About three miles, I guess.
Q Had the old man Coody and the folks returned when you were there in January? A I didn't see none of them.

Mr. Davenport: The representatives of the Cherokee Nation move that this case be continued until July 28, 1904, in order to enable them to procure the attendance of James Labrum, who is at his home sick and unable to attend at this time, the sickness being shown by certificate of Dr. B. A. McLeMore, of Fort Scott, Kansas. Said James Labrum has been regularly subpoenaed to attend.

Mr. McRea: Comes now the applicants attorneys and object to the above motion of attorneys for the Cherokee Nation for the reason that it was at the solicitation of the representatives of the Cherokee Nation that this case was continued from June 15, 1904, until July 16, 1904, for the purpose of introducing the testimony of the witness herein alleged, and the representatives of the applicants agreeing thereto.

Commission: Sufficient cause being shown by the attorney for the Cherokee Nation for the request of the continuance, same will be granted, and this case is continued until nine o'clock, A.M., July 28, 1904, at which time the final hearing will be had therein.

July 28, 1904, Continued by agreement until July 29, 1904.

July 29, 1904.
APPEARANCES:
Applicant, George Freeman appears in person and by attorneys, A. S McRea and R. W. Blue.
Cherokee Nation by its attorney, James S. Davenport.

SAM WEBBER, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:
Q What is your name? A Sam Webber.
Q How old are you? A Nearly 60.
Q What is your postoffice address? A Nowata.
Q You are a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, John and George Freeman?
A Yes, sir.
Q How long have you known them? A Ever since time of the war.

By Mr. McRea:
Q Mr. Webber, you are an authenticated citizen of the Cherokee Nation, are you not? A Yes, sir.

Q Where was the first time you ever met John Freeman, the father of the applicant, George Freeman, in the Cherokee Nation, state when and where you met him? A We come to Big Creek and built us some houses in the Cherokee Nation and went back to Kansas and Lewis Whitmire, or Wright, and Mose Whitmire, came down with us in July, the latter part of July '66, and in August, '66, we put us up some log cabins and went back, and along about two months after that, why we come back, but left Lewis and Mose Whitmire and them in Kansas, and after we come to the Territory Lewis and Mose Whitmire and John Freeman and a lot come on down behind us and came where we were living.
Q That was sometime in the month of November, was it? A It was along in October or November, I aint certain which month, but it was one of them , and John Freeman and Lewis Whitmire had spliced teams; they had a yoke of steers apiece and spliced teams.
Q Have you continued to see John Freeman and George Freeman in the Cherokee Nation since you met him in the year 1866? A John Freeman built a house and got Lewis Whitmire to make boards and cover it and he went back for his family, John Freeman did.
Q And John and his family have continuously resided in the Cherokee Nation ever since? A Yes, sir, ever since.
Q Are you acquainted with Aaron Wright? A Yes, sir.
Q On or about the 17th day of June, last, Aaron Wright was introduced by the Cherokee Nation, and testified that he knew the applicant John Freeman, in the State of Kansas, in the year 1866, that he continuously resided therein until in and about the latter part of the year 1867, or the early spring of 1868, state whether or not that statement is true or correct? A It can't be, for one reason, in June, 1867, John Freeman broke some prairie for me. I couldn't finish it, my steers died, and he finished it for me in June, '67, and I put in some corn and raised some pretty fair corn. I gave hime some shoats for breaking the land for me.
Q This is the same John Freeman, the applicant, whomyou met in in 1866? A Yes, sir.
Q And who broke out land for you in June 1867? A Yes, sir.
By Mr. Davenport:
Q You have been with the Commission during its enrolling all the time? A Yes, sir.
Q About how many cases have you been a witness in? A I don't know.
Q Howmany do you think? A I haven't kept account, I just witness for the people I know, and I never tried to count them. Sometimes I would witness for old heads and they had children and grandchildren and they had children, and I never kept any account of them.
Q I will ask you if, during the work of what was called the field work, if you didn't testify in 64 different cases? A I don't know about that.
Q Commencing with Nos. 216 and going up to No. 1099, the number of cases between the two numbers given that you testified in being 64? A It may have been, I don't know that.
Q When was it, you say, that John Freeman came first to the Cherokee Nation? A He come down sometime in November or October, I don't know which, with Lewis Wright and Moses Whitmire, or Wright, and several others.
Q October of what year? A 1866.
Q You were not in that crowd? A I was ahead of it; it come on down after we did.
Q Was that the time you come ahead of it, was that the first time you come? A No, sir, that was my second trip; I had been here in the fall of '65; '66 caught me down here in the Territory.
Q When did you move your family down? A I had no family and father had no family.

Q You lived in family in 1866, didn't you, Sam? A Yes, sir, ~~fathe~~ father did, too, and made a crop there.
Q In 1866? A Yes, sir.
Q You testified in Freedmen Doubtful 216, Aaron Webber, didn't you?
Q Yes, sir, that was my youngest brother, baby brother.
Q You came to the Cherokee Nation with the Sanders, didn't you, Reuben? A Yes, sir, our first trip, we come together in July.
Q That is the time that Reuben Sander's wagon was searched, looking for Dyer Hayford, wasn't it? A No not that time.
Q Do you remember the circumstance of Eli Mackey killing Hayford near Fort Scott, Kansas? A Yes, sir.
Q Where were you at that time? A On Big Creek, Cherokee Nation.
Q You didn't come, I believe you say, with John Freeman and the family? A No, sir, I didn't.
Q You don't know exactly when he did come, do you ? A Yes, sir, right at it.
Q You testified in the case Freedmen Doubtful 607, didn't you, known as the Abraham Ward case? A Yes, sir.
Q When did Ward come with reference to when Freeman came? A He come just ahead of Freeman, him and his father and brother.
Q You also testified in Freedmen Doubtful 555, William H. Buffington didn't you? A Yes, sir.
Q Whdn did Buffington come with reference to when Freeman came?
A I saw Buffington up in Timber Hill, Cherokee Nation after that.
Q Did you see Buffington before you saw Freeman?A After I saw Freeman.
Q You also testified in Freedmen 871, Elizabeth Duncan? A Yes, sir.
Q You testified she came in 1866, too? A No, sir.

Mr. McRea: Comes now the attorneys for the applicants and object to the mode of crosspexamination by the representatives of the Cherokee Nation, especially upon the interrogatories propounded as to the statements of witness in other cases heretofore testified to in, for the reason that the witness isn't confronted with the statements as set out by the stenographic notes in said cases; hence the within interrogatories are incompetent and inadmissible and it is further objected to, if it be the purpose of the representatives of the Cherokee Nation to impeach the testimony of the witness upon statements heretofore made, as the witness' attention thereto should be called to the statements therein mentioned by him made.

Commission: Objection noted.

Q You are the same Sam Webber that testified in Freedmen Doubtful 548, Nelson Murrell, are you not? A Yes, sir.
Q You lived in the same neighborhood with John Freeman in Kansas during the war? A I lived about 18 miles far from him; I was always at Fort Scott every week or two.
Q Right around where he was? A I was there in Fort Scott and would meet him.
Q Meet him every time you would to to Fort Scott? A Not every time, but often enough to know it was John Freeman.

By Mr. McRea:
Q The party or parties in whose interest you testified to you were acquainted with them, were you not? A Yes, sir.

Q You were acquainted with more than 54 or 1100 persons, so far as that is concerned in the Cherokee Nation, were you not? A Yes sir, more than that.
Q Are you relation to the applicants, John Freeman and his son, George? A No, sir.
Q Have you any interest in the outcome of this case? A No, sir.

By Mr. Davenport:
Q Haven't you been in continuous attendance at the different places where the Commission has set for the purpose of taking testimony in freednencases since they began making the freedmen roll? A Yes sir, all except Tahlequah, I didn't go there, and Fort Gibson, I didn't go there.
Q Why did you attend all these sittings if you were not interested in the outcome of the cases? A They would come after me to go and witness for them, and I would go.
Q You were simply what was known as a standing witness? A Yes, sir, if they want me.

Mr. Davenport: The representatives of the Cherokee Nation desire to call the Commission's attention to the action and the decision of the Commission in Freedmen Doubtful 548, Nelson Murrell, F. D. 607, Abraham Ward, F. D. 555, William H. Buffington, and F. D. 871, Elizabeth Duncan, and ask that the decision in these cases be referred to when they make up decision in this case.

Mr. Blue: To that the counsel for the applicants object for the reason that said decisions are based upon the testimony where this applicant had no opportunity to cross examine the witnesses or meet them face to face to hear what they had to say, nor did said applicant have any opportunity in said cases to rebut the testimony that was offered or to chalenge the attention of the witnesses for the Cherokee Nation to the time when these applicants came to the Cherokee Nation after the ratification of the treaty, or to investigate the testimony of said witnesses so as to be able to look up the testimony to rebut the statements of the witnesses on behalf of the Cherokee Nation. Said decisions and other matters of record offered by the counsel for the Cherokee Nation are incompetent, irrelevant and immaterial in this case.

Commission: The request of the attoney for the Cherokee Nation and the objections of the applicant's attorneys will be noted in this record for the consideration of the Commission.

Mr. Blue: Counsel for the applicants in this case, if the decisions and cases referred to by counsel for the Cherokee Nation and offered in evidence here are admitted, move to strike all of said decisions, matters and things that the Cherokee Nation takes as evidence in this case from the evidence herein, for the reasons above stated. If the decisions and records are to be admitted and considered by the Commission, counsel for the applicants in this case ask to be permitted to bring other witnesses in this case in which the decisions are offered so far as they relate to this case, and that the witnesses whose testimony was offered in these cases and upon which decisions were rendered be brought back for the purpose of cross examination in this case before the final decision is rendered herein.

Mr. Davenport: The representaives of the Cherokee Nation desire to ask of the representatives of the applicants if they are desiring to-day to close this case? If they are not, we ask that they fix a day when they will announce closed, and we will stand upon our request that the Commission make reference to the decisions named and either get the reference made or denied us without the testimony being opened up at a future day.

Commission: The attorney for the Cherokee Nation will be requested to state for this record the object for calling the Commission's attention to the various cases mentioned in his request.

Mr. Davenport: The representatives of the Cherokee Nation desire in making the request that the Commission in making up this case, make reference to F D 607, F D 555 and F D 871, upon the ground that they desire to identify Sam Webber who testifies in the case at bar, as being one and the same Sam Webber who testified in the cases, named, and for the purpose of showing what interest he has taken in all of the doubtful cases before this Commission, in which he has testified.

Mr. Blue: The same objectionsmade above are made to this offer now, and the same motion made above is made to this testimony offered and we move to strike it out.

Mr. Davenport: The representatives of the Cherokee Nation move to strike that out, for the reason that it is a subsequent statement made by the Cherokee Nation and was made at the request of the Commission as to the reason they had asked to have these cases referred to.

Commission: The statement of the attorneys for both sides will be noted in the record.

Mr. Blue: I make the same request in regard to the cross-examination of the witness that I made above.

Commission: Statement of the applicants' attorney will be noted in the record.

Mr. Blue: In reply to the request of the counsel for the Cherokee Nation to know whether or not the applicant closed his testimony now, counsel for the applicant say that the testimony on their part is now closed, unless under the offer of the decisions and other matters of record by the Cherokee counsel as above stated, the Commission should take into consideration the testimony offered in the cases stated and offered by the counsel for the Cherokee Nation herein, if the Commission should consider the testimony offered in the cases stated and offered by the counsel for the Cherokee Nation herein, if the Commission should consider the testimony in these cases in which the decisions are offered, then counsel for the applicants in this case insist on their request to have an opportunity to cross-examine the witnesses and rebut the testimony which they consider in the cases offered. In other words, the testimony is now closed on the part of the applicants herein, unless testimony in the cases offered by counself for the Cherokee Nation is considered.

~~Commission:---It is un-~~

Mr. Davenport: If the Commission is ready to close the evidence in this case, the Cherokee Nation has closed without any subsequent condition whatever.

Commission: It is understood from the statement of the Cherokee Nation's attorney that they desire to offer no further testimony and that they don't offer anything in the way of testimony of decision as a part of the record in this case. It is also considered that both the applicants and the Cherokee Nation have made ample opportunity to introduce anything which they might desire and which would be competent in this case, and the case is now considered closed. The motions, requests and objections of

of both parties in regard to certain records have been entered for consideration of the full Commission.

The attorneys for the applicants will be given 15 days within which to file a brief in this case and will be required to file a copy with the Cherokee Nation's attorneys.

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H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) H. M. Vance.

Subscribed and sworn to before me this the first day of August, 1904.

(Signed) Charles H. Sawyer,
Notary Public.

---:---

Edith L. Morey, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and correct of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this the 15 day of August 1904.

Wm. Martin Jr.
Notary Public.

DEPARTMENT OF THE INTERIOR,,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JULY 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of PAULINA TURK, ET AL., as Cherokee freedmen?.

It appears that on June 30, 1904, the applicant, Paulina Turk, her attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at it s offices in Muskogee, Indian Territory, on July 16, 1904, and introduce further testimony touching the points mentioned in said letter .

APPEARANCES:
Applicant in person and by attorney, R. W. Blue,
Cherokee Nation by its representative, James S. Davenport.

ANN SANDERS, being first duly sworn, testified as follows on behalf of the applicants:

By the Commission:
Q What is your name? A Ann Sanders.
Q How old are you? A 50 something, don't know exactly.
Q What is your postoffice address? A Hayden.
Q Are you a Cherokee freedman? A Yes,sir.
Q Do you know the applicant in this case, Paulina Turk? A Yes, sir.
Q How long have you known her? A First time I seen her was in along last ~~of August~~ of August or September, '67, but I knew her mother ever since I was a girl.
Q What was her mother's name? A Nancy Still.
Q Do you know whether or not Nancy Still was the slave of a Cherokee citizen before the war? A Her master said it was his slave.
Q Who did she belong to? A Cook Still.
Q Citizen by blood of the Cherokee Nation? A Yes,sir.
Q Where did he live before the war? A His home was Going Snake; just going about; my mother's sometimes; just first one place and then another; didn't have a certain home.
Q Did Nancy Still belong to him when the war come up? A He said so
Q You don't know,yourself? A I just know what he said.
Q Where was Nancy living when the war come up? A When we went to Kansas, she was working in Tahlequah.
Q Who was she living with? A She was working out.
Q Who for? A For Jess Wolfe; I don't know just exactly.
Q How old is the applicant, Paulina Turk? A I don't know; when I knew Nancy she never had but one child to my knowing and that was a boy.
Q Do you know whether Nancy went out of the Nation during the war?
A Yes,sir, my uncle taken her out.
Q Where to? A Paola, Kansas.
Q Do you know whether or not Paulina Turk has any children? AYes, sir.
Q Do you know a child of hers by the name of Ada Prophet? A Yes, sir.
Q Is that child living now and living with the applicant? A Yes, sir, she is living; they call her Etta, I suppose it is the same.

Q Do you know Harry Prophet, who is said to have been the father of that child ? A Yes,sir.
Q Is he living now? A No,sir
Q Do you know whether or not he was a citizen of the Cherokee Nation? A I couldn't say; they said he was.
Q You don't know? A I don't know anything only they lived close to me and said he was.
Q Was he a colored man? A Yes,sir.
Q Do you know whether or not this man Harry Prophet ever lived with Paulina Turk? A Yes,sir he lived with her.
Q For how long a time did they live together? A Something over a year; I don't just remember; they lived in about 2 1/2 miles of me.
Q Do you know whether this child, Etta or Ada was born during that time? A She was born soon afterwards.
Q About how long? A I couldn't tell, but she was born born afterwards.
Q To the best of your knowledge? A I couldn't just tell, but soon afterwards.
Q A year afterwards? A No,sir, a short time afterwards, after she left him her brother had to take her and take care of her until the child was born; I know she wasn't able to take care of herself.

By Mr. Blue:
Q What did you say was the name of the master of Nancy Still?
A Cook Still.
Q Where did you last see him? A The last time I seen Cook Still we were going to Ben Sanders', Ben Sanders' raised me and taken us to to Kansas; we were camped at Ray's Mill for several days, and he come down there in the afternoon, and so he told my uncle, he says "I come to tell you all goodbye", and told him he come down to tell Nancy goodbye and told Ben he wanted him to take good care of Nancy, and says, "She was my nigger and I leave her as a sister," and says "I am going away and give the rebels hell".
Q Where was Nancy then? A Right there holding the child in her lap.
Q Was that Paulina? A I don't know about Paulina.
Q To whom did Cook Still refer when he said Nancy Still? A He was talking to my uncle and she was sitting there.
Q What was your uncle's name? A Ben Sanders.
Q Do you remember the date of that conversation? A I can't really I was a girl; I think it was in '62 or '3 first of '63 weleft home in the Christmas I remember well.
Q Christmas of some year? A I think in '62.
Q Was the war going on? A Yes,sir, the war was going on, because Cook Still, they come in home Christmas morning, the soldiers,and Nancy was at our house.
Q Where was this mill that you speak of? A I couldn't tell you now, up that way somewhere.
Q Was this conversation at the mill? A Camped on a creek.
Q Was that in the Cherokee Nation? A Yes,sir, I think so.
Q He said at that time that she was his nigger and to take good care of her? A Yes, he did, him and several other men.
Q Where did you say Nancy first got with you people? A When we first started at Tahlequah.
Q Did she come to you there? A When I seen her she was there.
Q Was there a good crowd of you starting north then? A Yes,sir, a good many.
Q When did you see Nancy Still there? A The last time, I believe I seen her once afterwards in Lawrence.
Q When was that? A It was, I guess, about in '64, sometime I couldn't really remember.
Q Is she living yet? A They say she is dead.
Q You don't know about that? A No sir, I guess she is though.

Q In regard to Harry Prophet, When did you first see him, if you remember? A First seen Harry Prophet , been about 14 or 15 years; before they paid off that Wallace money at Vinita.
Q Where was he residing at the time you first saw him? A I never was at the place; I heard it.
Q Where did you first see him? A At Mr. Hughes .
Q Where was that? A On Lightning Creek.
Q Cherokee Nation? A Yes, sir.
Q Do you know whether or not he was a Cherokee freedman? A No, sir, I couldn't swear it; I have heard it; I don't know.
Q Where did he and Paulina live together? A About 2 1/2 miles from home.
Q From your home? A Yes,sir.
Q Where was that? A On the road to Chelsea; we lived right close to the road as you go to Chelsea from Hayden.
Q About where did you live at that time? A Right where I am now.
Q How far is that from Chelsea? A Eight miles.
Q What distance from Hayden? A About two miles.

By Mr. Davenport:
Q In what part of the Cherokee Nation do you live? A Hayden, Cooweescoowee.
Q How far do you live from Paulina Turk? A Now?
Q Yes. A I guess it is about four miles.
Q Where were you living when the war broke out, and with whom?
A I was living right in Tahlequah.
Q With whom? A Ben Sanders.
Q Where was it that you saw Cook Still, when was it with reference to the breaking out of the war? A I seen Cook all the time of the breaking out of the war.
Q How long after the war broke out? A I think it was about '62 or '3, I think so; Uncle Ben said it was '62 when we left it was in Christmass.
Q Don't you know it to be a fact that Cook Still was killed right at the beginning of the war? A He was killed the very night he come to out camp; I can prove it; John Meigs come to our camp with him and that was when he was telling them goodbye; the next day the report come back that Cook Still was killed, and this Nancy Still was crying.
Q Was Nancy Still the mother of Paulina? A That is what they say.
Q You don't know anything about that of your own knowledge?
A That is what they say.
Q You were camped then at Ray's Mill? A Yes,sir.
Q Near Cincinnatti, Arkansas? A I think so.
Q It was in Arkansas? A I don't know; it was Ray's Mill.
Q How large were you then? A A good big girl.
Q About how old? A About 12.
Q How old was Nancy Still? A I couldn't tell you.
Q Older or younger than you? A She was-a had a baby.
Q She was a grown woman then and you were a girl? A Yes, sir.
Q When did she leave your people? A We went from there to the Neosho and went from there to Fort Scott and then Ben took her to her brother's in Paola, Rube Still, and we went to Lawrence.
Q When did you next see her after you left her at Paola? A I saw her in Lawrence, I think, in '64, not so awful long afterwards.
Q After '64 where did you next see her? A Not until at all
Q Did she die up about Lawrence somewheres? A I don't know.
Q You don't know then anything about Nancy Still or what became of her after you saw her in Lawrence in '64 ? A No,sir.
Q All that you know about Paulina being her girl is the representations made to you by other parties? A That is what her father said; I don't know; her father said that this was her mother.

Q When did you first see Paulina Turk, give the year? A I seen her in '67.
Q What part of '67? A I saw her on Lightning.
Q What part of '67? A Along the last of August, as near as I can tell.
Q Where were you living at the time you saw Paulina Turk first?
A I was living at Tahlequah, but I went from Tahlequah out to visit my sister, and there is where I seen her at.
Q When did you move out to the Verdigris country? I went out out there in '67 and went back to Tahlequah and just kept going when I got ready, about 20 years ago I moved out there and made me a place
Q You moved to Verdigris about 20 years ago? A Yes,sir.
Q How far did you live from Betsy Sanders? A About three miles.
Q Is she any relation of yours? A Yes,sir.
Q When did she move out there? A I couldn't tell you; I really don't know.
Q Was she living out there when you moved out there? A Yes,sir. she was living there when I moved out there.
Q You don't know anything about where she came to after the war?
A To Talequah.

By Mr. Blue:
Q When Cook Still was living about, as you say he did from place tp place , where was Nancy Still, his slave? A She was working out; I couldn't tell the very place; she would come to our place at night; she would b e working at different places .
Q Was she hired out? A Yes,sir, Mr. Still was a man, he never had really a certain home.
Q Did he keep her hired out all the time? A Yes,sir, and Rube Still went with him.
Q Who was Rube Still? A His nigger, but he went with him.
Q Was that his slave? A Yes,sir, he said it was.
Q Do I understand you that he said on the day before he was killed that this Nancy Still was his nigger? A He said so.

By Mr. Davenport:
Q Did I understand you to answer Col. Blue and tell him that Cook Still kept her hired out before the war? A I know she was working.
Q Do you know of your own knowledge that Cook Still had her hired out when the war began? A He said so, I have got to tell you what he said.
Q Did he tell you that he had Nancy hired out at the time the war began? A He didn't tell me; I heard him tell uncle Ben.
Q Did you hear Cook Still tell anybody that he had Nancy Still hired out at the time the war began? A Yes,sir.
Q Who was it and who was present? A My uncle amd me and my sister and several others; I couldn't tell; a girl couldn't remember everything.
Q You seem to remember the words pretty well, very definitely, why can't you remember the parties that were present? A I know what I remember.
Q I will ask you if you don't know that Cook Still sold Nancy before the war began? A No,sir, I never heard it until here lately.
Q Didn't Cook Still have a regular home out from Tahlequah where he lived? A He may have, but he didn't stay there.
Q You were a 12 year old girl at that time? A Yes,sir.
Q And you remember that he was around there all the time? A Here wasn't a week passed that Cook Still wasn't at uncle Ben's at night; he would slip in at night, midnight sometimes.
Q What made him slip in at night before the war began? A He said he was scouting.
Q That was before the war began? A Yes,sir.

Q Do you know who collected the wages earned b y Nancy Still at the time you stateshe was hired out just before the war? A No, sir, I don't.

ANN SANDERS, re-called for additional cross-examination, testified as follows.

By Mr Davenport:
Q I believe you said that Betsy Whitmire came back to Tahlequah after the war? A Yes,sir.
Mr Blue: We object to that, for the reason that it don't seem to be competent in any sense.
Commission: Objection noted .

Q How long did she stay at Tahlequah after the war until she went to Big Creek or Lighting Creek?

Mr. Blue: Objected to as i ncompetent, immaterial and irrelevant amd not cross-examination of any matter brought out, and seeming to be f r the purpose of getting testimony in some othe r case.
Commission: Objection noted; witness will answer.

A Well, Uncle Ben come in '66, and he takenme, I was a girl, to John Jones' at Fort Gibson, and my sister was at Tahlequah, and I couldn't tell where she went or how long she stayed, but I stayed at Jones' at Fort Gibson until '67, in school until the cholera broke out there, and then Mr. Jones went up to Tahlequah and we scattered everywhere, and the last part of '67, I went up to Big Creek to see mother and she was there.
Q You don't know what time of the year '67 she went to Big Creek?
A No,sir.
Q Was it in 1867 or 1866 that she went there? A I aint certain, but I think in'66; she was her own woman and I was under age, and I couldn't keep track of the grown ones.
Q Did you go in 1866 or 1867 to Fort Gibson? A '67
Q Where was Betsy Whitmire living then? A I think , if I aint mistaken, she was gone to Big Creek, if I aint mistaken.

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H. M. Vance, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) H. M. Vance.

Subscribed and sworn to before me this 1st day of August, 1904
(Signed) Charles H. Sawyer,
Notary Public.

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x S E A L x
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Lucy M. Bowman being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a full and correct copy of the original transcript

Lucy M Bowman

Subscribed and sworn to before me this 3rd day of August, 1904.

Charles H. Sawyer
Notary Public

O.F.J.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of John Freeman et al., as Cherokee Freedmen, consolidating the applications of

John Freeman et al.,	Cherokee Freedmen	D 458,
George Freeman et al.,	" "	D 459
Osa Freeman	" "	D 460,
Eliza Cannon,	" "	D 612,
Mary Thompson et al.,	" "	D 614.

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by John Freeman for himself and wife, Mettie Freeman, and minor children, John H., Elnora, Charlie, Jesse, Walter, Luther and Arizona Freeman; thereafter, on April 21, 1902, there was filed with this Commission an affidavit showing the birth on February 25, 1902, of Ora Freeman, child of the said applicants, John and Mettie Freeman; by George Freeman for himself and wife, Carrie Freeman, and minor child, Annie Freeman; by Osa Freeman for himself; by Eliza Cannon for herself; and by Mary Thompson for herself and minor children, Clarence, Ethel and Bessie Thompson.

The record further shows that on July 1, 1903, the Commission rendered its decision herein granting all the above named applicants except Carrie Freeman, and denying the said Carrie Freeman, the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded to the Department; thereafter, on April 4, 1904 (Departmental letter I.T.D. 842-04), on motion of the Cherokee Nation, the Department reopened this case and returned same for further proceedings. Supplemental testimony in the matter of said applications was taken June 15, and 16, and July 16, and 29, 1904, at Muskogee, Indian Territory. Copies of the testimony taken June 1, and 5, 1901, at Chelsea, Indian Territory, its decision rendered by this Commission on March 11, 1904, and Departmental letter of December 3, 1904, in re applications of John J. Rose et al., and Emily Nolen et al., for enrollment as Cherokee freedmen, Doubtful cases Nos. 474 and 511; and of

the testimony taken July 2, 1901, at Nowata, Indian Territory, its decision rendered by this Commission on July 23, 1904, and Departmental letter of September 23, 1904, in re application of George Thompson Jr., for enrollment as a Cherokee Freedman, Doubtful case No. D 1026, are filed herewith and made a part of the record herein.

The evidence in this case shows that the applicant, John Freeman, his former wife, Margaret Freeman, deceased, and his present wife, the applicant, Nettie Freeman, were slaves of Cherokee citizens at the commencement of the rebellion, were removed from the Cherokee Nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered in February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said nation; that the applicant, Carrie Freeman, is the daughter of one John T. Ross, a non-citizen of the Cherokee Nation and one Emily Nolen, was born since the commencement of the rebellion, and possesses no rights to enrollment other than as a descendant of her said parents. In Cherokee Freedman D 511, the Commission has heretofore found that the said Emily Nolan possesses no rights to enrollment as a Cherokee freedman, and on December 3, 1904, its finding was approved by the Department; and that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said applicants, John, Nettie and Carrie Freeman, and the said Margaret Freeman, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants. In Cherokee freedman D 1026, the Commission has heretofore found that one George Thompson Jr., father of the applicants, Clarence, Ethel and Bessie Thompson, possesses no rights to enrollment as a Cherokee freedman, and on September 23, 1904, its finding was approved by the Department.

None of the applicants herein born during or prior to the first below mentioned year, nor the ancestors of any applicant herein born during or subsequent to the said first below mentioned year, can be identified on the Cherokee authenticated tribal roll of 1880, and none of the applicants herein can be identified on the Cherokee census roll of 1896.

It is claimed, on the part of the principal applicant herein, that he, his former wife, Margaret Freeman, and his present wife, Nettie Freeman, returned to the Cherokee Nation in the fall of 1866, in company with Moses Whitmire, Lewis Whitmire, Dennis Whitmire and Sam Webber, and, in this statement he is corroborated by the testimony of Lewis Whitmire, Jones Whitmire, Sam Webber, Franklin Ross and George W. Mann.

The Cherokee Nation contends that said three parties first above named did not return to the Cherokee Nation until the winter or spring of 1868, and in support of their contention, have filed with and made a part of the record in this case, a copy of the testimony of Lewis Whitmire, Moses Whitmire and Aaron Whitmire

taken in 1878 before the Chambers Commission, only twelve years after the making of the treaty of 1866. These three witnesses were, at that time, applying for admission to citizenship in the Cherokee Nation, and were admitted. The personnel of the party who returned with them to the Cherokee Nation in 1866 was repeatedly gone into and neither the applicants nor their witnesses, nor the witnesses for the Cherokee Nation, identified John Freeman and family as being members of that party. It is not until Jesse and Lewis Whitmire appear as witnesses in this case that they are able to remember that John Freeman returned with them in 1866. The testimony of Aaron Whitmire before the Chambers Commission in 1876, and before this Commission in 1901 and 1902, as to the time of their return, the number of trips made, and as to the members of the party returning, is thoroughly consistent and entitled to great weight.

The testimony of Martha E. Labrum, a disinterested witness, shows that John Freeman and family resided continuously near Fort Scott, Kansas, from March, 1866, until after October, 1867, and it will be noticed that the time of the departure of Freeman and his family from Kansas, is identified in connection with an incident that would naturally impress her mind, the death of her grandfather, which occurred in October, 1867. The time of the applicant's departure from Kansas, as testified to by Martha E. Labrum, exactly corresponds with the time testified to by Aaron Whitmire of their arrival in the Cherokee Nation.

It is also a significant fact that most, if not all the members of this party with whom John Freeman claims to have returned, were admitted to citizenship by the Chambers Commission and are identified upon the 1880 authenticated Cherokee roll. This is not true of John Freeman or of those members of his family who, it is claimed, returned and have ever since lived with this colony of freedmen.

The witnesses, Sam Webber, Franklin Ross and George W. Vann, have testified in numerous freedmen cases, and have been repeatedly and successfully contradicted, and their testimony is entitled to little credence.

It is, therefore, the opinion of this Commission that the applications for the enrollment of John Freeman, Nettie Freeman, John H. Freeman, Elnora Freeman, Charlie Freeman, Jesse Freeman, Walter Freeman, Luther Freeman, Arizona Freeman, Ora Freeman George Freeman, Carrie Freeman, Annie Freeman, Ona Freeman, Eliza Cannon, Mary Thompson, Clarence Thompson, Ethel Thompson and Bessie

Thompson, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.

Chairman

(SIGNED). T.B. Needles.

Commissioner

(SIGNED). C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 16 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Osa Freeman,
Hayden, I.T.
Cherokee P-D-460
Register.

Cherokee Freedmen
D-458,D-459,D-460,
D-612, & D-614.

Muskogee, Indian Territory, July 13, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of John Freeman, et al., granting the applications for the enrollment of John, Nettie, John H., Elnora, Charlie, Jesse, Walter, Luther, Arizona, Ora, George, Annie and Osa Freeman, Eliza Cannon, and Mary, Clarence, Ethel and Bessie Thompson, and rejecting the application for the enrollment of Carrie Freeman, as Cherokee Freedmen.

You are hereby advised that you will be allowed fifteen days from date hereof in which to file such protest as you may desire to make against the action of the Commission in this case, a copy of which protest you will be required to serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

[illegible]

Commissioner in Charge.

Enc. M-116.

Cherokee Freedmen
D-460

Muskogee, Indian Territory, September 16, 1903

Osa Freeman,

Hayden, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, granting, among others, your application for enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings had in the original application and there has this day been forwarded to him a copy of the record of supplemental proceedings, together with a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been forwarded to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Enc. D-31

COPY.

Cherokee [illegible]-8-
9-60-612-614.

Muskogee, Indian Territory, September 1[illegible], 190[illegible].

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of John Freeman et al., including the Commission's decision dated July 1, 1905, granting the applications for the enrollment of John, Nettie, Joseph, Elmora, Charlie, Jesse, Walter, Esther, Arizona, Ora, George and Annie Freeman, Eliza Cannon, Osa Freeman, and Mary, Clarence, Ethel and Bessie Thompson, and rejecting the application for the enrollment of Carrie Freeman as Cherokee freedman.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

Inc. [illegible]-3[illegible]

COPY.

Cherokee W. D.468-
9-60-612-614.

Muskogee, Indian Territory, September 16, 1903

Edgar Smith,

Attorney for John Freeman et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of supplemental proceedings had in the consolidated case of John Freeman et al., together with a copy of the Commission's decision dated July 1, 1903, granting the applications for the enrollment of John, Nettie, John Jr., Elnora, Charlie, Jessie, Walter, Luther, Arizona, Ora, George and Annie Freeman, Eliza Cannon, Ora Freeman, and Mary, Clarence, Ethel and Bessie Thompson, and rejecting the application for the enrollment of Carrie Freeman as Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be

COPY.

-2-

and known to you as soon as the Commission is informed of the same.

Respectfully,

James Dimby.

Inc. 1-34

Chairman.

(C O P Y)

LAND.
60028/1903.
66134/1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, January 29, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

Referring to Department letter of October 3, 1903, (I.T. D. 8245) there is enclosed herewith report from the Commission to the Five Civilized Tribes, dated September 16, 1903 transmitting the record relative to the application of John Freeman and others for enrollment as Cherokee freedman.

With the letter above referred to the Department transmits to this office an appeal from the order of the Commission denying a motion on behalf of the Cherokee Nation to set aside the judgment of the Commission and grant a re-hearing of the case.

July 1, 1903 the Commission rendered a decision holding that most of the applicants in this case were entitled to enrollment as Cherokee freedmen. July 22, the attorney for the Cherokee Nation filed the motion above referred to and asked for a re-hearing on the ground of newly discovered testimony.

In the motion which is a part of the record in the case it is alleged that the Cherokee Nation will be able to prove that John Freeman did not return to the Cherokee Nation prior to January 19, 1867, but that on the contrary he remained in

the State of Kansas until the latter part of 1868 or early in 1869. The nation expects to be able to prove this fact by Adam Wright and James Martin.

Inasmuch as the Cherokee Nation claims to be able to show that the principal applicant did not return to the Cherokee Nation until long after February 11, 1867, it is believed the Commission should have allowed the motion and granted a re-hearing.

The case has not been considered on its merits and the record and all papers relating thereto on file in this office are enclosed herewith and it is respectfully recommended that the whole case be returned to the Commission with directions to allow the motion of the Cherokee Nation to take further testimony in the case.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW/LM

5 enclosures.

D.C. 10885. (C O P Y) F.C.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

ITD 842-1904. WHR.

L.R.S. April 4, 1904.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 1, 1903, you rendered a decision in the Cherokee freedmen case of John Freeman and others in favor of most of the applicants.

July 2, 1903, the attorneys for the Cherokee Nation requested a rehearing in the case alleging newly discovered evidence and stating what they expected to prove by witnesses named.

July 27, 1903, you denied the motion stating that it was not shown that the Nation could not, by the exercise of reasonable diligence, have discovered and produced the evidence sought to be introduced at one of the several hearings in this case.

September 17, 1903, the attorneys "appealed" from this action of your Commission.

Submitting the case January 29, 1904, the Acting Commissioner of Indian Affairs recommended the Nation be given an opportunity to submit further testimony.

It is the desire of the Department to give the Nation reasonable opportunity to produce any evidence it may desire in

citizenship cases, and as it does not appear that the request in this case is unreasonable, the Department concurs in the recommendation of the Indian Office and hereby remands the case.

The testimony and papers attached thereto, and the motion of the Nation for rehearing, are inclosed, together with a copy of the Acting Commissioner's letter.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

3 inclosures.

Cherokee Freedmen

D 460

Muskogee, Indian Territory, May 7, 1904.

Osa Freeman,

Hayden, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 1, 1903, granting, among others, your said application. The case is remanded on motion of the attorney for the Cherokee Nation in order that the Nation may have further opportunity to introduce testimony tending to show that your father, John Freeman, did not return to the Cherokee Nation within the time specified in the treaty of 1866.

In accordance with the Department's letter, the attorney for the Cherokee Nation has this day been advised that he will be allowed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday June 15, 1904, and introduce testimony as above indicated. You will be permitted to appear on that day and introduce such testimony as you may desire in rebuttal of that offered by the Nation.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 488, et al.,

Muskogee, Indian Territory, May 7, 1904.

Edgar Smith,

Attorney for John Freeman, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application of John Freeman, et al., for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 1, 1903, on motion of the attorney for the Cherokee Nation for the reopening of this case, in order that the Nation may introduce further testimony tending to show that John Freeman did not return to the Cherokee Nation within the time specified in the treaty of 1866.

In accordance with the Department's letter, the attorney for the Cherokee Nation has this day been advised that he will be allowed to appear before the Commission at its offices in Muskogee, Indian territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony as above indicated. The principal applicants have been advised that they will be permitted to appear on that date and introduce such testimony as they may desire in rebuttal of that offered by the Nation.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 458, et al.

Muskogee, Indian Territory, May 7, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of John Freeman, et al., for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of April 4, remanding the Commission's decision of July 1, 1903, on your motion for the reopening of this case, in order that the Cherokee Nation may introduce further testimony tending to show that John Freeman did not return to the Cherokee Nation within the time specified in the treaty of 1866.

In accordance with the Department's letter, you are advised that the Cherokee Nation will be allowed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Wednesday June 15, 1904, and introduce testimony as above indicated.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-460.

Muskogee, Indian Territory, June 16, 1905.

Osa Freeman,

Hayden, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

Incl. S-37
Registered

COPY.

Cherokee Freedmen

D-455, et al.

Muskogee, Indian Territory, June 16, 1906.

A. S. McRea,

Attorney for John Freeman, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting the applications for the enrollment of John Freeman, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-40.
Register.

Cherokee Freedmen

D-458, et al.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of John Freeman, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-41.

COPY.

Cherokee Freedmen
D-458, et al.

Muskogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of John Freeman, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, rejecting said applications.

On April 4, 1904, the Department remanded this case for rehearing and readjudication.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-42.

Through the

Commissioner of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFIRS,
WASHINGTON.

LAND:
47228-1905

July 3, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by John Freeman for himself, his wife, Nettie Freeman, and his minor children, John H., Elnora, Charlie, Jesse, Walter, Luther, Arizona and Ora Freeman; by George Freeman for himself and wife, Carrie, and minor child, Annie Freeman; by Osa Freeman for himself; by Eliza Cannon for herself; and by Mary Thompson for herself and her minor children, Clarence, Ethel and Bessie Thompson.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that on July 1, 1903, the Commission rendered a decision favorable to all of the applicants herein except Carrie Freeman and denying her; that thereafter, on April 4, 1904 (I.T.D. 842-1904) the Department reopened the case and remanded the same for further proceedings.

The record shows that the applicant, John Freeman, his former wife, Margaret Freeman, deceased, and his present wife, Nettie Freeman were slaves of Cherokee citizens at the beginning of the war of the rebellion, were removed from the Cherokee Nation during the war and did not return and establish a residence therein on or before February 11, 1867; that the applicant, Carrie Freeman is a daughter of one John J. Rose, a non-citizen of the Cherokee Nation and one Emily Nolen, was born since the beginning of the war and possesses no rights to enrollment other than as a descendant of her parents; that on December 3, 1904, the Department approved the Commission's decision adverse to Emily Nolen; that all the other applicants herein were born since the beginning of the war, are descendants of John, Nettie and Carrie Freeman and Margaret Freeman, deceased, and possess no rights to enrollment other than as such descendants; that on September 23, 1904, the Department approved the Commission's decision adverse to George Thompson Jr., father of the applicants, Clarence, Ethel and Bessie Thompson.

None of the applicants is identified on the 1880 authenticated Cherokee roll or the Cherokee Census roll of 1896.

In view of the record the approval of the Commission's decision of June 16, 1905 adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M. (W)

D.C.29153.
I.T.D.8060-1905.

J.F.Jr.

L.R.S.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

July 6, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record, together with its decision dated June 16, 1905, in the matter of the applications for the enrollment of John Freeman et al. as Cherokee freedmen.

On July 1, 1903, the Commission to the Five Civilized Tribes rendered a decision in this case, in favor of most of the applicants.

On July 2, 1903, the attorneys for the Cherokee Nation requested a rehearing, alleging newly discovered evidence. This motion was denied by the Commission on July 27, 1903, for the reason that the nation had not exercised reasonable diligence in the filing of said motion. The attorneys for the nation appealed to the Department from the action of the Commission on September 17, 1903.

On April 4, 1904, the Department decided that the motion of the attorneys for the nation was reasonable and proper, and it accordingly remanded the case.

Reporting July 3, 1905, the Indian Office concurs in the decision of the Commission dated June 16, 1905. A copy of its letter is inclosed.

On September 7, 1905, the attorneys for the applicants filed a motion for review of the Commission's decision in this case. Said motion has been duly considered in connection with the case.

The Department considers that the evidence brought forth upon the rehearing shows clearly that the applicants did not return to the Indian Territory within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al.

The decision of the Commission to the Five Civilized Tribes is therefore affirmed, and the applications for the enrollment of John Freeman, Nettie Freeman, John H. Freeman, Elnora Freeman, Charlie Freeman, Jesse Freeman, Walter Freeman, Luther Freeman, Arizona Freeman, Ora Freeman, George Freeman, Carrie Freeman, Annie Freeman, Osa Freeman, Elisa Cannon, Mary Thompson, Clarence Thompson, Ethel Thompson, and Bessie Thompson as Cherokee freedmen are denied.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee F.
D. 460

COPY.

Muskogee, Indian Territory, July 21, 1906.

Osa Freeman,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, July 6, 1906, and that the motion for review of said case, filed by your attorneys September 7, 1905, was denied by the Department on said date.

Respectfully,

SIGNED:

Tams Bixby.
Commissioner.

LMC

Cherokee F.
D. 458 et al.

COPY.

Muskogee, Indian Territory, July 21, 1906.

Blue & Bulger,

Attorneys for John Freeman, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of John Freeman, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 6, 1906, and that the motion for review of said decision, filed by you September 7, 1905, was denied by the Department on said date.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

(SIGNED)
Tams Bixby.
Commissioner.

Incl.C-24
LMC

Cherokee F.
D. 458 et al.

COPY.

Muskogee, Indian Territory, July 21, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of John Freeman, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 6, 1906, and that the motion for review of said decision, filed September 7, 1905, was denied by the Department on said date.

For your information, there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

SIGNED:

Tams Bixby.

Commissioner.

Incl.C-23
LMC

No. D 2 6 6

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of SEP 18 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A.D. 1901

Subscribed and sworn to before me this day of A.D. 1901.

Notary Public.

NOTICE!

IN THE MATTER OF the application of Osa Freeman for enrollment as a Cherokee citizen:

Case No. D 460

To Osa Freeman & Mellette & Smith attys

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on Oct 24 1901 o'clock or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 14 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Osa Freeman for enrollment as a Freedman of the Cherokee Nation, one copy of the original testimony of June 1st, 1901.

Mollie E. Smith

Attorny for Applicant.

Cherokee F. #D460.

Cher Fr R 904
Trans. from Cher Fr D 475

Cher Fr R 904

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1st, 1901.

In the matter of the application of Rena Powell for the enrollment of herself and eight children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows

Appearances:
Mr. Smith, of Mellette & Smith, for applicant.
Mr. L. B. Bell, Cherokee Representative.

Q What is your name? A Rena Powell.
Q Is that your name now? A Yes sir, my married name.
Q How old are you? A I guess about 40, 30 or 40.
Q What is your post-office? A Coffeyville.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A I have got 12 children, three of them is married.
Q Are you married yourself? A Yes sir.
Q Was your husband been enrolled? A No sir, he is a state man.
Q What is your husband's name? A Larkin Powell.
Q Now give me the names of your children, commencing with the oldest one at home under 21? A Hattie Bell.
Q Hattie Bell what? A They are on the roll Alberty, that's my father's name; they are Ross.
Q Were you ever married to Ross? A Yes sir.
Q How old is Hattie Ross? A She is 17 years old, as near as I can guess.
Q Now the next one? A Lula Powell.
Q How old is Lula? A She is 14.
I don't know their age exactly, I am guessing at it.
Q Well go on now? A Gertie, 13.
Q Next one? A Lillie Gusta.
Q Is it a girl? A Yes sir.
Q How old is she? A About 10 or 12 years old.
Q Next one? A Mamie.
Q How old is Mamie? A She is about 9 years old.
Q Next one? A Jessie, she is about 6. Eddie Powell, five years old,- coming on five.
Q Next one A Ora Della, 2 years old.
Q Are they all Powell except the oldest one, Hattie? A Yes sir, they are about four Powells I give you there.
Q You gave me seven Powells, you say Hattie Bell is married Ross?
A Yes sir.
Q Well, all the balance of them are named Powell? A No sir, only four Powells, or three.
Q What's Gertie's name? A She is a Ross.
Q What's Lula's name? A She is Ross, but it is on the roll Alberty.
Q What's Lillie's name? A She is a Ross.
Q What's Mamie? A She is a Powell.
Q And Jessie is a Powell? A Yes sir.
Q And Eddie? A Yes sir.
Q And Ora? A Yes sir.
Q Four Ross children? A Yes sir.
Q You have got eight children here, and how many married? A Four married.
Q What was your first husband's name? A Lewis Ross.
Q Was he a citizen? A Yes sir.
Q Is he living? A Yes sir.
Q Are you separated from him? A Yes sir.

Examined by Attorney Smith:

Q [illegible] A [illegible] remember.
Q [illegible] A [illegible] I guess I [illegible] 30 [illegible].
Q [illegible] your oldest child? A He is about [illegible], or about 25 [illegible], - he is 24; my oldest girl, [illegible] recollect.
Q What is his name? A Frank.
Q Who was his father? A Ross.
Q Is Frank Ross? A Yes sir.
Q What is your next child's name? A Will Ross.
Q What is your next child's name? A Sarah.
Q Is she married? A Yes sir.
Q What is her name now? A Sarah Eliza Rollins.
Q What is your next one's name? A Annetta Powell now, she is married.
Q What is the next one named, does that bring you down to Hattie, [illegible] and two girls are married? A That's all the married ones I have got.
Q Back That's all down to Hattie then? A Yes sir.
Q How old is Hattie? A She is I think about 17 years old I guess.
Q Who was your mother? A They told me, I don't remember, my mother, her name was Rhoda, I don't remember.
Q Rhoda who? A I don't know that.
Q Do you know who your father was? A Yes sir.
Who? A Ben Alberty.
Q Where do you live? A Coow[illegible].
Q What is your post-office? A Coffeeville.
Q How far do you live from Coffeeville, about? A It is about 10 or 12 miles.
Q In the Cherokee Nation? A Yes sir.
Q How long have you lived in the [illegible] in that place where you live now? A About five or six years.
Q Where did you live before that? A I lived [illegible] over to the river and I moved from the Verdigris River out on Cedar, where I live now.
Q When did your husband Ross die? A He aint dead.
Q Are you divorced from him? A No, sir.
Q Where were these children, whose names you have given, born? A All were in the Territory.
Q What is your earliest recollection as to where you were living as far back as you can remember? A On Snow Creek.
Q In the Cherokee Nation? A Yes sir.
Q Are you on the Dawes-Clifton roll? A Yes sir.

By Commissioner Needles:

Q Are you on the 1880 roll? A I don't know as I am, my father may be, I don't know, I may be.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant, and her father, and name not found.

Dawes-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified as shown as follows:
page 167 #4115 Emma Powell, Coowescoowee District;
page 167 #4117 Hattie Bell Coowescoowee District;
page 167 #4119 Lula Powell, Coowescoowee District;
page 167 #4118 Cortie ~~Bennett~~ Ross, Coowescoowee District;
page 167 #4120 Custer Ross, Coowescoowee District;
page 167 #4121 Mamie Powell, Coowescoowee District.
page 167 #4122 Jess Powell, Coowescoowee District.

Dawes-Clifton roll of citizens of the Cherokee Nation examined for Delia, and does not appear.

Q You didn't do a for Delia? A No sir.

Wallace roll of citizens of the Cherokee Nation examined for applicant and found on
page 137 #2870 Ann Ross Cooweescoowee District.

Q Was Lewis Ross the father of Lula? A No sir.
Q Who? A Powell, no Ross. Lewis Ross he is the father of this Lula.

Examined by Cherokee Representative, L.B.Bell:

Q Where were you born? A I don't remember where I was born.
Q How old are you? A I don't know my age, at all. That's the reason I got this mistake now.
Q Where do you first recollect being? A On Snow Creek.
Q Who was your father? A Ben Alberty.
Q Who was your mother? A They called her Rhoda, I don't remember her; she died when I was quite young.
Q You don't know whether she was a Creek or? A No sir, I don't.
Q You know who Ben Alberty belonged to? A He said he also he longed to old John Alberty.
Q You know nothing of yourself, as to where you were born, and brought up until you recollect here at Snow Creek? A No sir.
Q You live on Snow Creek now? A No, I live on Cedar now.
Q How far is that from Snow Creek? A About five miles.
Q You have lived there all the time? A Yes sir, except when I lived at Bartlesville awhile.
Q You never lived in Kansas? A No sir.

Examined by Attorney Smith.

Q Have these children whom you have given in evidence with you all the time? A All these single ones.
Q Where are the one that are married moving now? A Right close to me.
Q In the nation? A Yes sir.
Q Did they live with you up until they were married? A Yes sir.
Q These single ones they are living with you still? A Yes sir, the single ones.

Examined by Cherokee Representative, L.B.Bell:

They are all alive? A Yes sir, when I left home they were.

THIS CASE IS HERE DISCONTINUED TO AWAIT THE ARRIVAL OF A WITNESS IN BEHALF OF THE APPLICANT, WHO HAS BEEN SENT FOR.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

M D Green

Subscribed and sworn to before me this June 5th, 1901.

D B Thomas

Commissioner.

CONTINUATION of the application of Emma Powell,
taken by Taken by Steongrapher M.D.Green,June 1st 1901.

* *

Charles Chambers, called and sworn as a witness for the applicant:

By Mr. Smith.

Q What is your name? A. Charles Chambers.
Q Where do you live? A. Hudson, .I. T.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q How old are you? A. About 70.
Q Do you know Emma Powell? A. Yes sir.
Q Was she a slave ? A No sir.
Q Did you know her mother? A. I saw her mother.
Q Where did you see her? A. I saw her when she used to live with John Alberty.
Q Did she belong to John Alberty? A. Yes sir.
Q How big was Emma when the war broke out? A. Must have been a mighty little thing, I dont remember seeing her then; when I came back here in '67 she was a small girl.
Q Well you dont know then if she was born before or after he war? A. She must have been born during the war.
Q You dont know about it though? A. No sir.
Q When did you first see Emma Powell in the Cherokee Nation after he war? A. Right after the war, In 1867 when I came from Tahlequah.
Q Who was she with? A Her father.
Q What was his name? A. Ben Alberty.
Q Who did Ben belong to? A. John Alberty.
Q What was this girl's mothers name? A I done forget it.
Q Who did she belong to? A. I dont know if she belonged to John Alberty or not, she was there though.
Q When did you come back from Tahlequah the trip you made and saw Em. Powell? A I started in '67 from Tahlequah.
Q Where were you going? A. Just coming up on the Creek to the old place hunting my old friends Joe and Jack Ross.
Q Where was Emma in 66? A. I dont know for certain, on Snow creek I guess.
Q Do you know where she was in '66? A. I dont know where she was I saw her father on Snow creek and I guess she was with him.
Q When did you come to the Alberty's there that time you say you saw the father? A. In '67.
Q Was it in the fall of 67? A. No in the summer.
Q You dont know how long they had been there do you? A. No sir her father had made a crop there and had another one started so he must have been there a while.
Q Had you seen her father anw where else befor that? A. No sir only on Snow creek since the war, that was the first time since he war in the Cherokee Nation.
Q You say he had made one crop and had in another? A. Yes sir.

By Bell-

Q Where is Snow creek? A. Near the Virdigris river.
Q Which side? A. The east side.
Q How far is it from the Big creek Whitmire settlement? A About15 miles
Q Did you settle on Snow creek? A. Yes sir settled there firstcccc
Q When did you settle there? A. I dont know just when it was.
Q What year was it in? A. In '68.
Q After Ben Alberty was there? A. He was there in 67, that is when I seed him there, and I went back to Tahlequah and then came back there again and settled.
Q Did you go out of the Nation during the war? A. Went to the Choctaw Nation.
Q Did you come back? A. Yes sir.
Q When ? A. In 65.
Q The same year the war ended? A It wasn't good peace yet when I come

Q Are you certain that you saw this woman in '67? A Yes sir I seed her father there in 67 and then when I came back she was right there with her father Ben Alberty.
Q With her father? A. Yes sir.
Q Did they have any other children? A. Yes sir.

Nelson Murrell called and sworn as a witness for the applicant:

By Mr. Smith:

Q What is your name? A. Nelson Murrell.
Q Where do you live? A. In Cooweescoowee district.
Q How old are you? A. 77.
Q How long have you lived in the Cherokee Nation? A. I have lived here all my life, in here and the old country.
Q What do you call the old country? A Tennessee and Georgia where the Indians were.
Q Do you know this applicant, Emma Powell? A. Yes sir.
Q Did you know her mother? A. Yes sir.
Q What was her name? A. Rhoda Alberty.
Q To whom did she belong before the war? A. John Alberty, known as Long John.
Q Was he a Cherokee citizen? A. Yes sir.
Q Where did he live? A. On Pryors Creek.
Q Do you know if they were taken out of the Cherokee Nation during the war? A. Yes sir.
Q When did you first see this applicant Emma Powell in the Cherokee Nation after the war? A. First time I saw her I saw her on Snow creek in '66
Q What time in '66? A Spring of '66.

By Bell-

Q Where were you living then? A. On Snow creek, in Cooweescoowee.
Q What time did you come back after the war? A. In '66.
Q What time of the year? A. Spring of '66.
Q How early in the spring? A Early in the spring.
Q Who came with you? A. Joe Rose.
Q You didnt come with Ben Alberty then? A. No sir he didnt come with me
Q How far did you live from Ben Alberty on Snow creek? A. About a mile and a half.
Q Did you make a crop there in '66? A. Yes sir.
Q What was it? A. Beans and corn.
Q Did you find a place already cleared out? A. I found an old Osage patch that had been cleared.
Q How much of a patch? A. About 4 acres.
Q Did Ben Alberty have in a crop? A. He has a small patch too.
Q How much? A. 2 or 3 acres.
Q Just what particular place is that on Snow creek that you and Ben had farms? A I had mine on the east side a mile from the mouth of Snow creek and Ben's was a mile and a half on Snow creek north of the main Military road.
Q Did you or Ben live on the road? A. Ben lived on the road.
Q Now tell me what does Snow creek empty into? A. Virdigris river.
Q How far is that from Geffeyville? A. 8 miles about.
Q You found an Osage patch there? A. Yes sir.
Q And Ben found one too? A. Yes sir.
Q You was on the east side of Snow creek a mile from the mouth of it?
A Yes sir but not right on the creek.
Q How far from the creek? A. 3/4 of a mile.
Q How far from the river? A. About a half a mile from the river.
Q Was Ben right on the creek? A. Yes sir right on the creek, his house

[illegible]ards fro[illegible] tar or ex.
Q Ri[illegible] where the road crosses it? A. Yes sir.

By th[illegible]:

Q [illegible] children all livin[illegible] now and with you? A. Yes sir.
Q Are you livin[illegible] with your husband now? A. Yes sir.
Q You [illegible] for him though? A. Yes sir.

By Com'r [illegible],-

Emma Powell applies for herself and her children, to-wit:- Hattie Ross, Lula Ross, Gertie Ross, Lillie G. Ross, Emma Powell, Jessie Powell, Nellie Powell, Ora D. Powell. She avers that she is married now to Larkin Powell a non citizen; she avers that she was previously married to Lewis Ross, by who she had four children, her four oldest children, and that the remaining children are by her husband Powell; she avers that she was a slave of one John Alberty who was a Cherokee citizen; she is identified on the Kern Clifton roll as Emma Powell, and on the Wallace roll as Emma Ross, the name of her first husband. The names of all her children except the youngest are identified on the Kern Clifton roll , her second child being identified as Hattie Bell, her proper name being Hattie Ross; she makes no satisfactory proof as to her youngest child and it will be necessary for her to file with this Commission satisfactory certificate of its birth. She makes satisfactory proof as to her residence, and she will be listed for enrollment as a Cherokee Freedman with her children as enumerated herein, on a doubtful card because of the fact that she is not identified on he authenticated roll of 1880 and because her enrollment is contested by he Cherokee Nation. She will be notified by mail of the final decision of the Commission in regard to her application.

= = = = = = = = = = = = =

Chas. von Weise being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that he foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 7th of June, 1901 at Chelsea, I. T.

Commissioner.

DEPARTMENT
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 1 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901

Post Office Tahlequah, I.T.

District Coo

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Cornelius ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Emma Powell ..... Age 40

Owner's name ..... Citizenship .....

Year A. D. Page 167 No. 4113 District Tahlequah

Parents:

Father Ben Henry ..... Citizenship Cherokee

Mother ..... Citizenship .....

Names of Children:

3. Hattie D. Ross ..... Year 1896 Page 167 No. 4117 Dist. Coo 17
4. Lula Powell ..... Year " Page 167 No. 4119 Dist. " 14
5. Lettie " " Year " Page 167 No. 4118 Dist. " 13
6. Julia " " Year " Page 167 No. 4120 Dist. " 12
7. Mamie Powell ..... Year " Page 167 No. 4121 Dist. " 9
8. Jessie " ..... Year " Page 167 No. 4122 Dist. " 7
9. Eddie " ..... Year " Page [redacted] No. [redacted] Dist. [redacted] 5
10. Ora K. " ..... [redacted] 0
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Mother ..... Stenographer M. D. Green and Chas von Wise.

~~Hattie Bell~~

Mot on Wallace roll C. 135, 10787, Emma Ross, Coo Dist
Mot " 1896 roll as Hattie Bell
Mot 13 " " " " Lula Powell
Mot 15 " " " " Luster "
Mot 7 " " " " Jess "
Mot 8 + 9 birth certificate required.
Represented by Mellett & Smith, Muskogee, I.T.

C

CCI

CHEROKEE FREEDMEN D 475

IN RE

Application for Enrollment of

INFANT CHILD

Eddie Powell
as a citizen of

CHEROKEE Nation.

Approved. June 1 1901 190

T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
Jun 1 1901
Tams Bixby
Acting Chairman

BIRTH AFFIDAVIT. 20 COPY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Eddie Powell (Here insert name of child.), born on the 17 day of March, 897

Name of Father: Larces Powell, a citizen of the U.S. Nation.

Name of Mother: Emma Powell, a citizen of the Cherokee Nation.

Post-office, Coffeyville, Kans.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
N District.

I, Emma Powell Freedman, on oath state that I am 40 years of age and a citizen, by Citizen, of the Cherokee Nation; that I am the lawful wife of Larces Powell Freedman, who is a citizen, by Citizen, of the Cherokee Nation, that a Male (male or female) child was born to me on the 17 day of March 1897; that said child has been named Eddie Powell, and is now living.

her
Emma X Powell
mark

WITNESSES TO MARK
(Must be Two Witnesses)
Nelson Ross
Squire Ward

Subscribed and sworn to before me this 1 *day of* June *1901.*

My commission expires March 25, 1905 P.O. Hayden I.T.

Wm. Madden Jr.
NOTARY PUBLIC.

(S E A L)

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
N District.

I, Phillis Alexander, a Midwife, on oath state that I attended on Mrs. Emma Powell, wife of Larces Powell, on the 17 day of March, 1897; that there was born to her on said date a Male (male or female) child; that said child is now living and is said to have been named Eddie Powell.

Phillis Alexander

WITNESSES TO MARK:
(Must be Two Witnesses)

Subscribed and sworn to before me this 1 *day of* June *1901.*

(S E A L)

Wm. Madden Jr.
NOTARY PUBLIC.

D

COPY.

CHEROKEE FREEDMEN D 475

IN RE

Application for Enrollment of

INFANT CHILD

Ora D Powell
as a citizen of

CHEROKEE Nation.

Approved, JUN 1 1901 190

T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES
F I L E D
JUN 1 1901

Tams Bixby
Acting Chairman

BIRTH AFFIDAVIT. 20 COPY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Ora D. Powell (Here insert name of child), born on the 5 day of Feb, 1899

Name of Father: Larces Powell, a citizen of the U.S. Nation.

Name of Mother: Emma Powell, a citizen of the Cherokee Nation.

Post-office, Coffeyville, Kans.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
N. District.

I, Emma Powell, on oath state that I am 40 years of age and a citizen, by Freedman Citizen, of the Cherokee Nation; that I am the lawful wife of Larces Powell, who is a citizen, by Freedman Citizen, of the Cherokee Nation, that a Female (male or female.) child was born to me on the 15 day of Feb 1899; that said child has been named Ora D. Powell, and is now living.

her
Emma X Powell
mark

WITNESSES TO MARK
(Must be Two Witnesses)
Nelson Ross
Squire Ward

Subscribed and sworn to before me this 1 *day of* June *190*1

(S E A L) Wm. Madden Jr NOTARY PUBLIC.
My Commission expires March 25, 1905
P.O. Hayden, I.T.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
N. District.

I, Phillis Alexander, a Midwife, on oath state that I attended on Mrs. Emma Powell, wife of Larce Powell, on the 15 day of Feb, 1899; that there was born to her on said date a Female (male or female.) child; that said child is now living and is said to have been named Ora D. Powell.

Phillis Alexander

WITNESSES TO MARK:
(Must be Two Witnesses)

Subscribed and sworn to before me this 1 *day of* June *1901*.

(S E A L) Wm. Madden Jr. NOTARY PUBLIC.

G COPY.
Cherokee Freedmen D 475
20

IN RE

Application for Enrollment of.

INFANT CHILD

Willie Powell
as a citizen of

Cherokee Nation.

Approved. Oct 22 1901 190

T. B. Needles
Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

F I L E D
Oct 22 1901
Tams Bixby
Acting Chairman

COPY.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Willie Powell (Here insert name of child), born on the 4 day of Sept, 1901

Name of Father: Larkin Powell, a citizen of the U.S. Nation.

Name of Mother: Emma Powell, a citizen of the Cherokee Nation.

Post-office,

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Emma Powell, on oath state that I am 40 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Larkin Powell, who is a citizen, by , of the United States Nation, that a male (male or female) child was born to me on the 4 day of September 1901; that said child has been named Willie Powell, and is now living.

her
Emma X Powell
mark

WITNESSES TO MARK
(Must be Two Witnesses)
Edward C. Funk
W. W. Walace

(S E A L)

Subscribed and sworn to before me this 22 *day of* October *190*1.

Louis T. Brown
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Hattie Ross, a midwife, on oath state that I attended on Mrs. Emma Powell, wife of Larkin Powel, on the 4 day of September, 1901; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Willie Powell.

hattie Ross
(S E A L)

WITNESSES TO MARK:
(Must be Two Witnesses)

Subscribed and sworn to before me this 22 *day of* Oct *190*1

Louis T. Brown
NOTARY PUBLIC.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6, 1901.

In the matter of the application of Lewis Ross for enrollment as a Cherokee Freedman.

Lewis Ross, being duly sworn, and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Lewis Ross.
Q How old are you? A I am 42
Q What is your postoffice? A Melvin, I.T.
Q In what district do you live? A In Tahlequah district.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir
Q Do you want to enroll anybody besides yourself? A Nobody but myself.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Joseph Ross.
Q Is he alive? A Yes sir.
Q Give me the name of your mother? A Sarah Ross.
Q Is she alive? A No , she is dead.
Q How long has she been dead? A She has been dead about a couple of months I think.
Q Is your father a Cherokee Freedman? A Yes,sir.
Q Was your mother a Cherokee Freedman? A Yes sir.
Q To whom did you belong when the war broke out? A John Ross, I think
Q The old chief? A Yes sir.
Q You were a slave of his in the Nation here? A Yes sir.
Q Were your father and mother married at the time the war broke out? A Yes sir, I reckon so.
Q Did your father live with your mother until she died two months ago? A Yes,sir.
Q Where did you go with them during the war? A I went to Kansas.
Q Did you come back when they came back? A Yes sir.
Q Did your mother and father come back to other? A Yes sir.
Q Did you have a sister named Ica? A Yes sir.
Q And a sister named Eliza? A Yes,sir.
Q They are both dead now? A Yes sir.
Q They were your full sisters? A Yes sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q You are not on the 1880 roll? A No sir.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Did you draw Cherokee strip money? A Yes sir.

The Kern-Clifton roll examined and the applicant identified thereon page 145, No. 3600, Ceoweescoowee district.
The Wallace roll examined and the applicant identified thereon page 137, No. 2869, Ceoweescoowee district.

Q You have no children; you have never married? Yes sir.
Q You have no children? A Yes sir.
Q How about applying for your children? A They are done applied for through their mother.

Commissioner : The applicant is identified on the Kern-Clifton and the Wallace rolls, but not upon the roll of 1880 or 1896. He states that he has lived in the Cherokee Nation all his life except his absence during the war in Kansas, and he appears to have been a slave of Chief Ross of the Cherokee Nation at the time the war came on. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for evidence in his case , there will be filed herewith the evidence in the case of his father, Joe Ross, Cherokee Freedman Doubtful card D-542, and the same giving in full the status of the applicant's father and of his mother, the latter being deceased now some two months. When the final decision of the Commission is reached, it will be communicated to the applicant at his post office address.

-o-o-o-o-o-

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed Bruce C. Jones

Sworn to and subscribed before me this 8th of June, 1901.

(Signed) T.B. Needles,
Commissioner.

-o-o-o-o-

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that same is a full, true and correct copy of the original transcript, now on file with the Commission.

Lucy M. Bowman

Subscribed and sworn to beforeme this 28th day of December 1904.

Charles W. Harrison
Notary Public.

Q Did you return to the Cherokee Nation at any time after that? A Yes, sir.
Q About when? A Came back in July.
Q Of what year? A Same year.
Q Did you remain here at that time? A No, sir.
Q What did you do then? A Went back.
Q When did you return then to the Cherokee Nation? A In '66, in the fall, in '66 and '65 I mean in the fall.
Q Well where did you locate? A I located on the Verdigris on the east side of the Verdigris, west side of Snow Creek.
Q When? A I located on the east side of the Verdigris, west side of Snow Creek.
Q When was it you made that location? A I made that location in '75 where I live.
Q Where had you been up to 1875? A I had been back to Kansas.
Q When wasit now you said you first came down here? A I come down in February, '75.
Q You don't mean '75? A No, sir, '65.
Q Now when did you first make that first location? A I made it the same time.
Q You said Mr. Murrell, '75, a while ago? A I took that back, I made a mistake.
Q Well when was it? A I come in '65.
Q That is what you said when I asked you when you made your first locatin? A My first location I made it in February, '65.
Q Where have you lived since that time? A I stopped in Kansas a little while, I never did live in Kansas.
Q Who is your wife now? A Flora Murrell.
Q How long have you known her? A I have known her 40 odd years.
Q When did you first get acquainted with her? A I got acquainted with her 40 years ago perhaps, maybe more I wont be positive.
Q Where? A Close to Tahlequah, Park Hill.
Q Before the war? A Yes, sir.
Q Where did you next see her after the war? A Next seen her after the war, I saw her up on the Verdigris where I live now, that was after the war.
Q Well, when did you see her next? A I saw her along about '75, there where I lived.
Q Well, where were you living? A I was living out there near Snow Creek.
Q Was she ever married before she married you? A Well, sir, she come there a married woman.
Q What was her husband's name? A Robert Vann, Louin Vann in Cherokee.
Q When did you marry? A I married about 26 years ago.
Q Have you and she been living together ever since? A Yes sir.
Q Where? A Up where I live now, Snow Creek.
Q How long had you been back here after you made your location here in 1865 before you first saw her? A It was about two years.
Q You don't know where she was in 1866? A No, sir.

BY MR. HASTINGS:

Q You come down in 1865? A Yes, sir.
Q Who come with you at that time? A Joseph Ross and Frank Nave.
Q Anybody else? A That is all.
Q Where did you come to? A Come on Verdigris.
Q Near Snow Creek? A Yes, sir.
Q How long did you remain up there? A About one month, somewhere along about that.
Q Where ddyou go from there? A I went back to Kansas.
Q How long did you stay in Kansas? A I come back the next time in June.
Q The following June? A Yes, sir.
Q What did you do then in June? A Cut hay
Q You put up hay then did you ? A Yes, sir.
Q Then you went back did you? A Yes, sir.

Q Well when did you come back then? A I came back in the fall.
Q Same fall was it? A Fall of '66.
Q Was it the same fall you put up the hay in June? A Fall of '66.
Q Answer my question did you come back the same fall that you put up the hay? A Yes, sir.
Q You put up hay after you were here in June? A Yes, sir, I came back in the fall of '66, I know that.
Q The first time you ever came here that was in February? A Yes, sir.
Q According to your testimony you stayed here about a month? A About a month.
Q You and Joe Ross and Frank Nave? A Yes, sir.
Q Frank Nave is dead isn't he? A Yes sir.
Q Now, you stated you stayed here about a month at that time? A Yes, sir.
Q Then you went back to Kansas? A Yes, sir.
Q Now, you stated that you came back here the following June and put up hay is that true? A That is true.
Q Now, then you went back to Kansas again? A Yes, sir.
Q Now, the next time you moved is that correct? A Yes, sir.
Q And that was the following fall? A Yes, sir.
Q Now, the first time you come here was in February, '65? A Yes, sir.
Q Now, who came with you when you come in June? A Joseph Ross, Posy Gibson, Dan Pee and Caesar Hog.
Q That was all was it? A Yes, sir.
Q Did you see any colored people, anybody when you first came? A Yes, sir.
Q Who? A Amos Adair.
Q You testified in Amos Adair's case the other day didn't you? A I did.
Q Did you see any colored people here the following June when you come? A Mr. Adair.
Q He was here in June was he? A I think he was, if I mist be not.
Q That was the June after you were here in February? A Yes, sir.
Q Now, what other colored people did you see down here, in June, any besides Amos Adair? A Only Amos Adair.
Q You never saw any colored people while you were on that trip? A No, sir, not on that trip.
Q How about what time did you return to locate? A I returned to locate the third time in the same following fall.
Q In the same following fall? A Yes, sir.
Q About when? A Along about the first of the fall, I don't know exactly.
Q You don't remember the month? A No, I don't remember the month.
Q Do you think it was as early as September? A It hadn't got cold yet.
Q The leaves were on the trees? A Yes, the leaves were on the trees.
Q You never lived about Fort Scott Kansas did you? A No, sir, I never did live there.
Q You didn't make a crop on the Stuart farm did you? A No, sir. I don't know nothing about Stuart.
Q Did you make a crop up there? A Yes, sir.
Q On whose place? A I made a little crop on John McMillan's place one year.
Q What did you raise? A I raised a little corn.
Q What year was that? A That was while the war was going on, I think it was in '63.
Q Wasn't you in the army? A No, sir, wasn't in no army.
Q You never made a crop in 1865? A No, sir.
Q Did you make on in 1866? A No, sir.
Q Did you make a crop up there in '67? A No, sir, I wasn't up there.

Q Did you know a man by the name of Peeler? A Yes, sir.
Q What county was he in? A Bourbon County, (Kansas.)
Q Did you know Mrs. Brumby? A I got acquainted with her down here
Q You never know her up there? A No, sir.
Q You never saw her before? A Never saw her before I saw her here.
Q Where did you get acquainted with her here? A She was at my house.
Q On Snow Creek? A Yes, sir.
Q You come, then, and located on Snow Creek, did you? A Yes, sir, on Snow Creek.
Q You had built that house in there in February before? A ~~xxxx~~ A February before.
Q Where did you spend the winter before that? A The winter before that.
Q The winter before you come down here? A Near Mound City.
Q Murrell, do you belong to the Freedmen Protective Association? A Yes, sir.

Objection to by Attorney for Applicant because it is incompetent, irrelevent and immaterial.
Objection overruled by the Commission.

Q What are your witnesses? A Joseph Ross.
Q Does he belong to that Association? A I don't know whether he does or not.
Q Don't you know the members of it? A Yes, he belongs to it.
Q Who is any other witness? A Steven Looney.
Q Does Steven Looney belong to it? A I don't know whether.
Q Does he belong to it? A I don't know; he lives in another neighborhood.
Q About how far from you? A About three miles.
Q You don't have different ~~xxxxx~~ Associations every three miles? A Might have different places where we meet.
Q About how many belong to your association? A I don't know.
Q Well, about how many? A Maybe 20 or 30.
Q Are your meetings held in secret? A No, sir.
Q What is the object of it? A To protect one another and keeping out all people that don't belong to the Cherokee Nation.
Q Have you ever given any information to keep out any from the Cherokee Nation? A No, sir.
Q You have testified for several? A Yes, sir.
Q You were at Fort Gibson? A Yes, sir.
Q You went down there as a member of the Committee? A I went down there with a man.
Q You are down here as a member of the Committee? A Yes, sir.
Q What other witnesses have you got? A Sam Webber.
Q Does he belong to your association too? A I don't know nothing about Sam Webber.
Q Don't you know the members of your Association? A I know the members where I live; Sam Webber lives At Newota.
Q Well now, does this Joe Ross belong to it? A Yes, sir.

BY MR. SMITH:

Q What did you say that the purpose of that association was.
A The purpose of that Association is Cherokee Freedmen Protective Association, Cherokee Freedman.
Q What is the purpose of it? A It is to protect one another in helping one another through this Court I suppose to be Cherokee Freedmen; on the outside no one belong to it but Cherokee Freedmen, or there has no right to be there; that is the order.

BY W.W.HASTINGS: It is a secret order is it? A No, sir; no man comes in there belonging to the United States no has no right in that order.

BY MR. SMITH:

Q Mr. Murrell, do you know how many of those Associations there are? A No, sir; I don't know exactly there may be three or four, four or five, as far as I know.
Q You were asked if you had testified for a good many of the appli

cants? A Yes, sir, I wasked asked that.
Q You stated that you had I believe? A I had for a good many.
Q Have you testified for any applicant except those that you know to have been here in 1868? A No, sir, I haven't; I deny the charge
Q You have been in attendance consistently upon this Commission since it has been meeting at Chelsea? A No, sir.
Q Have you heard any Cherokee Indian Testify in favor of those applicants? A All come back in '70, I haven't heard nary one.
Q How many people on the part of the Cherokee Nation have you observed on this front row right here (indicating.(? A Oh I have observed several.
Q Do you know what they are doing? A I see some slipping in little slipshere to Mr. Hastings and others say they preparing ~~[illegible]~~ them around there and slipping them here.
Q Do you know in what capacity they are retained here? A No, sir, I can't tell.

BY MR. HASTINGS:

Q Mr. Smith has been the attorney of a good many hasn't he? A You know how many he is for.
Q He has the calling hasn't he? A Yes, sir.
Q He has not called any Cherokee citizens has he? A No, sir.
Q Mr. Murrell, there is about two thousand recognized Freedmen on the roll of 1880? A I don't know anything about how many.
Q The Cherokee Nation made that roll? A Till you got there with them I don't know.
Q The Cherokee Nation made that roll? A Yes, sir, I suppose so.
Q And they recognized in 1880 about two thousand old slaves? A Yes, sir.

BY MR. SMITH:

Q Do you know of any old slaves they didn't recognize in 1880? A Yes, sir, I do.
Q Were you here when that census was taken? A Yes, sir.
Q Do you know how that census was taken? A Yes, sir.
Q How? A They went to work and taken that census and went through the country, and I was living at that time up near Coffeyville, where old Parker was at that time; these census takers would come up there and sometimes they would get drunk and overlay their time and then they would go to the nearest house and ask who lives over there and they would tell them.

BY MR. HASTINGS: You don't know that? A Yes, sir; I know it, I know it to be a fact.

Q The National Council revised and authenticated this roll of 1880 didn't they? A I don't know; they done so many things, I don't know what they done.

BY COM'R MEEDLES:

Q Did these census takers come to your house and enroll you in 1880? A No, sir, not at that time.

STEVE LOONEY, called as a witness and being duly sworn by Commissioner T. B. Needles, testified as follows:

EXAMINATION BY MR. SMITH:

Q What is your name? A Steve Looney.
Q Where do you live, Mr. Looney? A I live up on the Verdigris.
Q How long have you lived there? A I have been living there ever since the fall of '66.
Q Have you got any brothers and sisters? A I have a sister I have no brothers.
Q What is your sister's name? A Frances.
Q Frances what? A Frances Patterson, if she go s by her husband's name, and have ~~two~~ named Mandy.
Q Do you know Nelson Murrell? A Yes, sir.
Q How long have you known Nelson? A I have been knowing him pretty near all my life, ever since I was a little b.
Q How old do you say you are? A About 58.
Q Where did you know Nelson first? A Knowed him at Park Hill

Q Where was Park Hill? A Down in the Cherokee Nation there.
Q Near what town now? A Tahlequah.
Q Do you know who he belonged to? A He belonged to George Murrell; that is his Massy's name; he belonged to his Mistress, Mandy Murrell, she is a Cherokee.
Q Did he ever belong to anybody else except them? A Not as I know of.
Q Not that you know of? A Not as I know of.
Q Which is the older you or he? A He is older than I am.
Q Do you know whether he went out of the Nation during the war?
A Yes, sir.
Q Did he? A Yes, sir, I guess he did.
Q When did you first see him back here in the Cherokee Nation after the war? A Well we came together come to the Cherokee Nation.
Q Where did you come from? A Come from Fort Scott, Kansas.
Q Where did you come to? A We come on the Verdigris river here Cherokee Nation.
Q Well, when did you come? A We come in the fall of 1866.
Q Where did you come to, what point; you said on the Verdigris river, now whereabouts? A Right close to Goosenock bend.
Q Where have you been living ever since that time? A I have been living right where I live now.
Q Howfar does Nelson Murrell live from you? A It must be three milres or more, about three miles and a half I guess.
Q Something near three miles and a half? A Yes, sir.
Q Well, where has Nelson Murrell been living all this time?
A Been living right where he is now.
Q Since when? A Since we moved there in '66, the fall.
Q Do you know his wife, Flora Murrell? A Yes, sir.
Q When did you get acquainted with Flora? A Well, I used to know her before the war.
Q How long had she and Nelson been married, do you know? A I don't know.
Q Well, is it a long time or short time? A Been a good while ago.
Q Are they living together up there now? A Yes, sir.
BY W.W.HASTINGS:
Q What was his wife's name when you first knew her? A If I ain't mistaken it is a Melton.
Q Melton? A Yes, sir, if I mistake not.
Q Who did she belong to before the war? A If I aint mistaken, might be mistaken, George Melton, or Lewis Melton, it was the Melton family, there was a whole lot of them.
Q Where did she live before the war? A They did live there a while at Park Hill.
Q Where did you live? A I lived on Illinois river.
Q Do you think they belonged to the Meltons? A Yes, sir.
Q Was she and Uncle Nelson married before the war? A No, sir, I think not.
Q Wasn't they living in Kansas together? A I don't think she was.
Q Well when did you first see them living together? A Well that is when I was telling you I don't know howlong since they was married.
Q When did you first see them, how long ago? A He was up on Snow Creek.
Q Did he bring her back with him when you come with him? A I don't think he did.
Q When did he bring her? A I could not tell you that.
Q You can't say whether he brought her with him or not? A No, sir.
Q Who did he bring with him? A He brought a woman by the name of Eliza.
Q Is she living? A No, sir; she is dead.
Q When did she die? A She has been dead a good while ago, I

could not tell you just how long it has been.
Q How long was it after the war was it until you saw this woman?
A Well I could not say that either, it has been a good while ago.
Q Do you know whether she was ever married before? A No, sir, I could not tell that.
Q What is the first time you were ever down here after the war?
A I come in the fall of '56.
Q That the first trip you ever made? A That is the first trip to my recollection.
Q That is when you moved down? A Yes, when I moved down.
Q About what time in the fall wasit? A Kinda cold, late in the fall.
Q Pretty near Christmas? A It might have been.
Q About how long was it after the treaty, after you heard of it until you come? A I told you once I didn't know about what time, it might have been close to about a year, couldn't tell you exactly, never kept any dates, I come back in that fall.
Q You never kept up with dates very well? A No, don't know anything about it.
Q You didn't come down with Uncle Nelson in June or July before?
A No, sir.
Q Did he have any house built down there? A If he did I disremember.
Q You didn't see it? A No, sir.
Q Did he have a crop down there? A No, sir.
Q No corn? A No, sir.
Q Have any hay? A Well he might have had hay; I didn't stop around him very long, I moved right across the river.
Q How far did you locate from him? A It must be three miles or three miles and a hald.
Q Did he come in a wagon? A Yes, sir.
Q How many wagons did Uncle Nelson have? A One as I know of.
Q Only one team? A Yes, sir.
Q Well, where did you get in with Mr. Murrell at? A Fort Scott.
Q Did he live there in Fort Scott? A Not right in Fort Scott he didn't.
Q On whose place was he living? A I disremember the man's name now.
Q Do you think you would remember it if I was to call it?
A I don't know whether I would or not.
Q Do you remember a man's name by the name of Stuart? A I don't believe I do.
Q Do you know whether he made a crop down here that year that you moved down here in the winter? A I don't know whether he did or not.
Q He was living on a farm near Fort Scott? A Yes, sir.
Q And there is where you got up with him? A Yes, sir.
Q Do you belonged to uncle Nelson's Freedman Protective Association?
A I told you not.
Q You live within three miles from him? A Yes, sir, I could live in the house and then not belong to what he did.
Q He testified for you? A Yes, sir.
Q And you are testifying for him? A Yes, sir.
Q Yet you don't belong to his Protective Association? A Wasn't nobody up there to have as a witness, nobody there; if there had been anybody there I probably would have had different people.

JOE ROSS, being duly sworn by Commissioner T.L.Needles, testified as follows: BY MR. SMITH:
Q State your name? A Joe Ross.
Q How old are you? A I am about 60 years old.
Q Where do you live? A Up in Cooweescoowee.
Q What is your post office? A Coffeyville.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation all my life.

Q Did you go out of the Nation during the war? A Yes, sir.
Q Do you know Nelson Murrell? A Yes, sir.
Q ~~Do you know~~ Was he out during the war, or did you know about that yourself? A Out during the war.
Q Yes, was he out during the war, or didyou know? A Yes, he was out during the war.
Q When did you next see Nelson Murrell in the Cherokee Nation after the war? A When I first seen him me and him came down to the Cherokee Nation from Kansas.
Q When did you come? A In '65 first.
Q Where did you come to? A Down here on the Verdigris.
Q In what district? A Coowweescoowee District.
Q That was Cherokee Nation? A Yes, sir.
Q Well, where have you been living ever since that time?
A I have been living right here.
Q What do you mean by right here? A In Cooweescoowee until we come back.
Q How far do you live from where Nelson Murrell lives?
A We live right close together.
Q How close together? A We stayed pretty near in one house pretty near together.
Q Do you mean now? A Not now, he stays on one side of Snow Creek and I stays on the east side.
Q Howfar do you live from him now? A About two or three miles.
Q Do you know where Nelson Murrell has been living since you and he came back here in 1865? A Yes, sir.
Q Where? A Right where he is living now.
Q And where is he living now? A Verdigris.
Q In what Nation? A Cooweescoowee.
Q Cooweescoowee District you mean? A Yes, sir.
Q Well, what Nation is it in? A Cherokee Nation.

BY MR.HASTINGS:

Q Do you know what Nation this is, are you positive? A I know is is Cherokee Nationall right.
Q Do you know what district it is? A Yes sir.
Q What? A Cooweescoowee District.
Q Uncle Joe, what year is this? A I don't know, sir.
Q Do you know any year? A Mighty little.
Q Don't know anything about dates? A No, sir.
Q Do you know what year you were born? A No, sir, I don't know that.
Q Do you know what year you were married? A No, sir.
Q You don't know about any other than, anything but the one you mentioned? A Yes, sir.
Q That is the only year you know? A No, sir.
Q What other year do you know? A '65.
Q Don't you know any other year? A No, sir.
Q You never heard of any other year? A Yes, sir.
Q What other year did you hear of? A '65.
Q Did you ever hear of any other? A No, sir.
Q You never heard of any other except these two? A No, sir.
Q Where did you live before the war? A Lived with John Ross.
Q Didyou know Nelson Murrell's wife? A Yes sir.
Q Flora? A No, sir; one he lived with up there, I knowed his wife was Eliza Murrell.
Q Well his present wife; is that his present wife? A Yes, sir.
Q Well, I didn't know that that is the wife he is living with now?
A Yes, sir.
Q How long have you known her? A (No response.)
Q You come to Snow Creek did you? A Yes, sir.
Q About what time of the year did you come to Snow Creek? A Come there in '65 the first trip I made.
Q About what time of the year was it? A Well, sir, I don't know what time it was, it was cold.

Q About Christmas? A No, it was not Christmas.
Q Well, wasit before Christmas or after Christmas? A No, it wasn't, it was sometime, it was cold weather, I don't know what time it was.
Q Snow on the ground? A Snow ketched us on the ground before we went back.
Q Who come with you? A Me and Nelson Murrell and Frank Nave.
Q How long did you stay her? A About a week and some nine or ten days.
Q The snow caught you on the ground while you were down here?
A Yes, sir.
Q What did you come down for? A We fetched a load of flour down.
Q Is that the old time you were down here before you moved?
A That was before I moved I come down here.
Q Then the next time you come down you moved? A No, sir, I come two trips, third trip I moved.
Q Who come with you the second trip? A Me and Murrell.
Q Who else? A Posy Bigson.
Q And who else? A That is all I remember.
Q What did you do that time? A We cut some hay and put up.
Q What time of the year was that? A I don't know, sir, what time of the year that was we cut some hay to put up.
Q How long did you say? A We stayed a week or so.
Q What did you cut hay with? A Mowing blade, grass blade.
Q And put it up in stacks? A Put it up in stacks.
Q You didn't build any houses then? A We built our houses before that.
Q Was that in 1866 you come that time? A In '66, wewent up and moved out folks down to our houses.
Q You have lived up there on Snow Creek ever since? A Yes, sir.
Q Uncle Nelton testified for you in your case? A Yes, sir.
Q And you are testifying for him in his? A Yes, sir.
Q Do you belong to Uncle Nelson's Freedman Protective Association?
A I didn't know they had a Freedman.
Q Do you belong to it? A I don't know whether I is or not.
Q Do you belong to an Association of colored people? A Yes.
Q Good many people

Mr. Smith: Mr. Court, I want to make a formal objection because it is irrelevent, incompetent and immaterial.

Objection is overruled by the Commission.

Q I want to ask you if a great many don't belong to that association up there? A (no response.)
Q Say, Joe, don't a good many people belong to that Association?
A Not a good many of them.
Q About how many? A I don't know how many there is a few of us.
Q It is a Secret Association isn't it? A I guess it is.
Q You only let certain persons in? A We let all come in we don't want to come in.
Q Steven Looney belonged to it? A I don't know whether he axes or not.
Q You don't know the members of it? A I know 'em, but they.
Q You can't tell them? A No, sir.
Q You are not allowed to tell them? A No, I ain't.
Q You are not allowed to tell the purpose of it are you? A No, sir.
Q It is a secret association then isn't it? A It must be.
Q Where did you see, first know Nelson Murrell's present wife, the wife he is living with, where did you first know her? A I knowed her where she is now, in the Cherokee Nation.
Q Well, when did you first know her? A I have been knowing her all my life.
Q Who did she belong to before the war? A She belonged to old man Nelton.
Q When did she and Nelson marry? A I don't know, sir, when they married.
Q Before or after the war? A Well, before the war; yes, before the war.

Q Did Nelson bring her down here with him when he came back with you? A No, sir.
Q Well did he bring her down here when he moved his family?
A No, sir, he didn't.
Q Well, who did he bring? A He brouged his wife with him that he had up there, Eliza Williams.
Q That is not the wife he is living with now? A No, sir.
Q Well had he married this wife before the war? A Which wife?
Q This one he is living with now? A No, sir.
Q He didn't? A No, sir.
Q He never married her until after the war? A No, sir.
Q Well, how long after the war until you saw this woman?
A I saw her, don't know how longit was.
Q Did she come along with you people? A No, sir, she didn't.
Q Do you know who brought her down here? A No, sir.
Q Do you know when she came? A No, sir.
Q You don't know how long after the war? A No, sir.
Q Do you people in your Association agree to help each other get up your testimony? A We don't have any testimony to get up.
Q Never made any agreement of that kind? A No, sir.
Q You appointed uncle Nelson as a member to go down to Fort Gibson?
A I didn't appoint him.
Q I mean that Association down there they sent him down there?
A No, sir, they didn't.

BY MR. SMITH:

Q I believe you stated that you didn't see and you didn't yourself know where Flora Melton was when you and Nelson came back down here in 1866? A No, sir; I don't know where she was.
Q Do you know how long it was after that before Flora and Nelson married? A No, sir.
Q Can't say? A No, sir, I can't say.
Q Now, who was Nelson's wife before he married Flora? A Eliza Williams.
Q Eliza was her name was it? A Yes, sir.
Q Well, Nelson was not married to Flora before the war was had
A No, sir.

FLORA MURRELL, being called and sworn by Commissioner T.P. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Flora Murrell.
Q How old are you? A Well if I remember right I think the last day of this last June I was 70.
Q Where do you live? A I live on Snow Creek between Snow Creek and the Verdigris River.
Q In what Nation? A In the Cherokee Nation.
Q How long have you lived there, in the Cherokee Nation? A All my life.
Q Were you born a slave? A Yes, sir.
Q To whom did you belonged at the time the war commenced? A Lewis Melton and Susie Melton.
Q Were they Indians? A Yes, sir.
Q Citizens of the Cherokee Nation? A Yes, sir.
Q Where were you during the war? A I was up in Big Bend.
Q Where is Big Bend? A Up on the Arkansas River.
Q In what Nation? A Well it was in the Cherokee Nation.
Q Did you go out of the Cherokee Nation at all during the war?
A No, sir.
Q Where were in the year 1866 , immediately after the war ended?
A I was at Big Bend, I don't know none of that time.
Q You don't know dates? A No, sir.
Q Well, have you ever lived out of the Cherokee Nation at all?
A Never has
Q Who were the members of the family of Lew Melton and his wife, about whom you have spoken? A Susie Melton, Nancy Melton and Mary

Melton, and had a daughter named Susie, George and Catherine and Edward Melton, Moses Melton.
Q In what part of the Nation were you living when the war commenced? A We was living on the place where.
Q Don't care about the place but what part of the Cherokee Nation were you living? A Bird Creek.
Q What town would that be as the towns are built now? A There wasn't no towns near us then any nearer than Tahlequah.
Q Well, how far did you live from Tahlequah? A They called it a hundred miles.
Q You don't know how far it was? A No, sir.
Q Now, thisplace you are talking about living what town if any has been built up near that place since? A I don't know sir is there is any, I ain't been to the place since the war.
Q You state that you weren't out of the Cherokee Nation during the war? A No, sir, I wasn't.
Q Have you ever been married before you married Purnell?
A Yes, sir.
Q Who was your husband? A Louin Vann, they called him in Cherokee, his name was Robert Vann in English.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Joe Vann.
Q Was Joe Vann an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q How long were you and Louin Vann married? A Well, I don't know hardly just how long we was married.
Q Did you have any children while you were his wife? A Yes,sir.
Q What are their names? A We had eight children, I haven't got but three living.
Q Give me the names of these children? A Sonny Smith.
Q Is that a man or woman? A He is a man.
Q And what is the next one's name? A Charley Vann.
Q What is the next child's name of the three living? A Lilah Hopkins, she is married.
Q Is that meant for Delilah or just Lilah? A Meant for Delilah but we just called her Lilah.
Q Is she married? A Yes, sir.
Q When did she marry? A She married Oliver Hopkins.
Q Where does she live? A She lives on Caney.
Q In what Nation? A Cherokee Nation.
Q How long has she lived there? A I don't know just how long she has been there, pretty near ever since they have been married.
Q How long have they been married? A I don't know; been married long enough to have seven or eight children.
Q How old is the oldest child? A I don't know, I think she is in her sixteenth year.
Q Where was Lilah before she married? A She was living with me.
Q Where did she live up to the time she was married? A With me.
Q Where does your son, Charley Vann, now live? A He lives in about a half a mile from me.
Q Where? A On Snow Creek.
Q In what Nation? A Cherokee Nation.
Q Is Charley married? A No, sir.
Q What is his wife's name? A Her name is Mizzie.
Q How many childrenhas he got? A One.
Q What is its name? A William Vann, she is a girl.
Q These three children, Charley Vann, and Lilah Vann and Sonny Smith are your children? A Yes, sir.
Q Where had Charley lived up to the time he was married?
A Lived out here with me.
Q Where did Sonnt live? A He lived out home with me, when he was not working out.

Q Where does Sonny live now? A I know not where.

BY COMMISSIONER NEEDLES:

Q Flora, you say you never lived out of the Cherokee Nation?
A No, sir.
Q You were born a slave? A Yes, sir.
Is your name on the roll of 1880? A Not as I know of.
Q Why is it not on? A I know when they was taking the census in 1880, Rufus Ross taken them, he come up there, he didn't go up to my house, and mother went out and she come back and got me and when I getup there it was late in the evening and Rufus told me to come back the next morning and meet him at Chouteau and he would put my name down and when I went there he was gone.
Q Your name never did get down? A No, sir.
Q Are you married to Murrell? A Yes, sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants nfound thereon as follows:
Page 170 #4184, Nelson Murrell, Cooweescoowee District.
Page 125, #3101, Flora Murrell, no district given.
The Wallace rollof Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 127, #2672, W. Nelson Murrell, Cooweescoowee District.
Page 128 #2689, Flora Murrell, Cooweescoowee District.

BY MR. HASTINGS:

Q You made a statement here about Rufus Ross taking the census roll in 1880? A I don't know what year it was, I don't know as I said what he taken the census.
Q You don't know whether it was in 1880 then or not? A No, sir, I don't.
Q Were you living with Nelson Murrell then? A I was married to Mr. Murrell then living at home with him.
Q Do you remember what year you were married to Mr. Murrell? A No, sir.
Q Do you remember how long after thewar? A No, sir, I don't.
Q How old is Charley Vann? A I don't know that just exactly but I think he is along about 33 or 34, I don't know exactly.
Q Where was Charley born? A Born at Big Bend.
Q Big Bend where? A It was up on the Arkansas.
COMMISSIONER NEEDLES: Cherokee Nation? A Ut was Cherokee Nation then.
MR. HASTINGS: It was then? A Yes, sir.
Q Where was Delilah born? A On the Arkansas river.
Q Which is the older she or Charley? A Charley.
Q How much older is Charley? A Oh I don't know just exactly between two or three years:
Q Where was Sonny Smith born? A He was born up on Bird Creek.
Q Is he older or younger than the other two? A Yes, is the oldest child.
Q Where were you living when the war come up? A I was living at the Big Bend.
Q Were you then a slave? A Yes, sir.
Q Who did you belong to? A I belonged to Lewis Melton.
Q Did Lewis Melton ever live in the Big Bend of the Arkansas? A No, sir.
Q Well who were you living with out there? A I was living with my husband.
Q Had you run off? A Yes, sir.
Q How long had you been away from your owner? A About four years.
Q Had you been living out there in the Big Ben all that time? A Yes, sir.

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Q You didn't go to Muskogee? A No, sir.
Q Never went outside of the Cherokee Nation? A Well if you call one strip and one side of the Arkansas river that is where I was.
Q What were you doing up there that four years? A I was hiding.
Q How did you make your living? A My husband was a hunter and I had friends up there that fed me.
Q What friends did you know up there? A Dude Webber and Skiatook.
Q Skiatook who? A That is all I know I know about him.
Q Was he colored? A He was a Cherokee.
Q Full blood? A I guess he was, he talked Cherokee.
Q Didn't talk english? A No, sir.
Q He fed you did he? A Yes, sir.
Q Who else? A Wiley Butler.
Q Was he a Cherokee? A Yes, sir.
Q Did either Wiley Butler or Skiatook have any family? A Wiley Butler had but his wife was dead.
Q Is any of his family alive now? A I don't know, sir.
Q Is any of Skiatook's family living? A I don't know.
Q Did you work for any people out there? A No, sir; you know I was not working for anybody out there and hiding.
Q What was Dude Webber doing out there? A He was herding cattle out there for his Mistress and I can tell you others that was out there.
Q What was his Mistress's name? A I don't know what his Mistress' name.
Q How far were you from her cow ranch? A It was right in the Big Pond.
Q Did you have a home out there? A No, sir.
Q Just lived out in the woods four years? A Yes, sir, I lived in a cave.
Q On what side of the river? A I lived on the west side.
Q Any towns near? A Not as I know.
Q You never heard of any town? A No, sir, and I never wanted to see any at that time.
Q What was your husband's name? A Louin Vann inCherokee.
Q He was out with you? A Yes, sir.
Q Well after the war closed did you come back? A I come right down the river.
Q In a skiff? A I come back in a wagon.
Q From what point? A From the Big Pond.
Q Who brought you? A My husband brought me.
Q Just you and your husband? A And my children.
Q Where did you go to? A When I first come back I come down on Pryor Creek.
Q Is that below here? A I don't know whether it is below here; I think it is below here.
Q You know where Pryor creek is; it runs over about 20 miles and I want yo know what part of Pryor Creek? A I come down on Pryor Creek to Mr.; I can't call his name just now.
Q Well how far from Chouteau? A I don't know sir, how far it was from Chouteau.
Q What town was your nearest town? A When I came back?
A Yes. A Wasn't any town there at all when I came back.
Q Don't remember who you lived with there? A I didn't live with anybody but my husband.
Q Did you make a place down there? A No, sir, I just went down there to my mother.
Q What was your mother's name? A Sarah Ross.
Q How long did you stay there? A I stayed there two or three weeks and went to the Verdigris.
Q And how long was that after the war you made this first trip to Pryor Creek? A I can't tell you just exactly howlong that was.
Q Was that the first trip you made here? A My mother was living at Tahlequah the first trip I made down here I went to Ben Grimmetts.

Q Where was Ben Grimmett living then? A He wasliving on Pryor Creek.
Q Was that in the spring or fall? A It was in the spring, it was getting pretty warm.
Q Did all of your family go with you? A Yes, sir; didn't have any family but my children.
Q And your husband? A Yes, sir.
Q He went with you? A Yes, sir.
Q In a wagon? A Yes, sir.
Q Where did you get this wagon? A I don't know he went out and got it.
Q You didn't it there during the war? A No, sir; you never seen negroes have wagons and horses about when they run off.
Q I am asking you where he got it? A My husband got it he went out and got it.
Q This first trip is when you come down to Ben Grimmett's?
A Yes, sir.
Q How long did you stay? A I stayed all night.
Q How long did you stay? A I went back to my cave.
Q How long did you stay there? A I don't know exactly how long I stayed there when I went back.
Q Well did you stay there a year? A I might stayed a little longer than a year.
Q That was after the war? A Yes, sir.
Q Did you see anybody on your trip down to Ben Grimmett's?
A Oh, I seen some Indians but I didn't stop to have any chat with them.
Q Did you see any coloredpeople? A Yes, sir.
Q Well, who? A I didn't stop.
Q Where did you see any houses? A Along the road between there and Coney, along.
Q Coney, that is up by Bird Creek? A Yes, sir.
Q Houses along there? A Yes, sir.
Q People living in them? A Yes, sir, I seen some children.
Q Well, now, where did you go to from your cave after you returned there? A The last time?
Q Yes. A I went down to Pryor Creek, mother hadmoved there and I went down there.
Q And then how long did you stay down there? A I stayed about two or three years.
Q That was two or three years after the war? A I said weeks, weeks is weeks, and years is years.
Q About how long after the war was that when you went down to visit your mother? A Well, I don't know just exactly, I think it was about two or three years.
Q That is your best judgment? A To the best of my knowledge.
Q You stayed there then two or three weeks did you? A Yes, sir.
Q And then where did you go? A I went back to my place up on the Verdigris.
Q Was your husband alive then? A Yes, sir.
Q Did he move up on the Verdigris with you? A Yes, sir.
Q Where did he die? A He died at Pryor Creek.
Q When? A About five or six monthsafter we got in.
Q And you afterwards married Nelson Murrell? A Yes, sir.
Q Is any of that family, Melton's family, alive that you belonged to before thewar? A There was, I guess you had my young Mistress before you, had Nancy Sage.
Q Is she your young Mistress? A Yes, sir.
Q Was she the daughter of Melton? A Daughter.
Q Did he have any other children? A Oh, yes, he had a house full.
Q What was their names? A Betsy, Nan, Mary and Catherine, and George, Ed, Rose and Susie.
Q Where were they living when you run away? A Verdigris.
BY COM'R MEANS:

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Q Flora, what was your father's name? A Sonny Brown.
Q What was your mother's name? A Sarah Ross.
Q You were a slave? A Yes, sir.
Q Where is this Big Bend you have been talking about?
A Up on the Arkansas River.
Q Isit in the Cherokee Nation or Kansas? A In the Cherokee Nation.
Q Is it on what is known as the Cherokee strip? A No, sir, what is what is known as a Cherokee strip as I understand it.
Q That was in the Cherokee Nation? A Yes, sir.
Q This cave was in the Cherokee Nation? A Yes, sir.
Q You never went over to Kansas hiding them? A No, sir.
Q You say you went there three or four years? A Yes, sir; I run away four years before the war.
Q Did your owners ever hunt you up? A I guess they did, they had a reward out for us.
Q They never found you? A No, sir.
(Remainder of Application taken by Stenographer, M.D.Green.)

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony andproceedings in this case, and that the foregoingis a true and complete transcript of his stenographic notes thereof.
(signed) J.O.Rosson.
Subscribed and sworn to before me this 12th day of June,1901.
(signed)T.B.Needles,
Commissioner.

* * * * * * * * * * * * *

Continuation of this case from notes taken by Stenographer, J.O.Rosson, this day.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6,1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife, Flora, as Cherokee Freedmen; NOE WEBBER being sworn and examinedby Commissioner Needles, testified as follows

Appearances: Smith, of Mellette & Smith, for applicants;
W.W.Hastings, for the Cherokee Nation.

Q What is your name? A Bob Webber.
Q Where do you live? A On Lightning Creek.
Q In what district? A Cooweescoowee District, Cherokee Nation.
Q What is your post-office? A Hayden.
Q Howlong have you livedin the Cherokee Nation? A All my life, raised here.
Q How old are you? A Must be about 65.
Q Do youknow Flora Murrell? A Yes sir.
Q How long have you known her? A I have knowed her ever since I was a boy.
Q You knew her before the war? A Yes sir.
Q Do you know whether she was a slave or not? A Yes sir.
Q Do you know who she belonged to? A Lewis Molton.
Q Was he a Cherokee Indian? A Yes sir.
Q A citizen of the Cherokee Nation? A Yes sir.
Examined by Cherokee Representative, W.W.Hastings:
Q How long before the war did you know her? A Long time, ever since I was a boy.
Q You knew her when the war come up? A Yes sir.
Q Where was she then? A She was out on the Big Bend of the Arkansas.
Q Were you out there then? A I was out there, judt before the war.
Q How long before the war? A It must have been four years before the war.
Q That's the last time you saw her? A Yes sir
Examined by Attorney Smith:

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Q When did you first see her after the war? A I met her down [illegible] on Pryor's Creek after the war.
Q How long after? A It must have been about four years after the war.

Examined by Commissioner Needles:
Q Did you know her owner? A Lewis Melton, yes sir, he had a mill down below Tahlequah there, and I used to go to the mill.
Q He was Flora's owner? A Yes sir.
Q Did you see her there then? A Yes sir.
Q Did you see her on Big Bend before the war? A Yes sir.
Q How far was that from her owner's place to Big Bend? A About twenty miles.
Q Was she living there on the Big Bend? A Yes sir, she was [illegible] ti g.

Examined by Cherokee Representative, W.W.Hastings:
Q Living in a house? A No sir, she wasn't in no house.

SAM WEBBER, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Smith:
Q State your name? A Sam Webber.
Q What is your post-office? A Nowata.
Q How old are you? A About 58 as well as I can guess at it.
Q Where do you live? A I live two miles west of Nowata.
Q How long have you lived in the Cherokee Nation? A I was born and raised partly here, and then come back in '66 and have been here ever since.
Q You knew Flora Murrell, the wife of Nelson Murrell? A Yes sir.
Q How long have you known her? A Ever since I could remember myself.
Q Was she a slave before the war? A Yes sir.
Q To whom did she belong? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q When did you last see her before the war, how long before the war? A Well just about the tije the war was coming up, we went up to where they lived. They had a ranch up there, my old mistress had a ranch and they always sent us up there to gather up cattle.
Q Your mistress had a ranch? A Yes sir.
Q How far did you live from there? A We lived near Tahlequah at the Double Springs, but we would go up there every year to gather up the cattle.
Q How far did you live from the ranch? A I couldn't tell you, it did take us about two days travel to go there where the ranch was, but the miles I couldn't tell you.
Q Where was this you saw Flora when you saw her? A The last time?
Q Yes? A She was in the Big Bend of the Arkansas.
Q How far was that from where Lewis Melton, her owner, lived? A I don't know exactly, some tenor twelve miles, I guess, maybe little further, I couldn't tell exactly.
Q That was the last time you saw her? A Yes sir.
Q When did you first see her after the war? A I don't know just what year really, but then it was along some three or four years I judge after the war when I met her again.
Q Where did you see her again? A On Big Creek here.
Q How far from here? A It is about nearly 15 miles, I judge
Q Who did she come there with? A Man named Lowan Vann.
Q What relation did he bear to her? A He was her husband.

Examined by Cherokee Representative, W.W.Hastings:
Q How old are you? A I am about 58, as nearly as I could remember I don't know exactly my age.
Q You were about 17 years old when the war come up, or 13?
A I was big enough to ride around and herd cattle.
Q Who went up there to this ranch with you? A Bob Webber and [illegible]

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Q Not was alone at the time you saw this party, this Bob that was a witness here awhile ago? A Yes sir, he was older than I was.
Q He would know dates better than you would about that time?
A I don't know about that.
Q You didn't tell anybody about seeing this party up there, this woman? A I was afraid to.
Q You didn't tell your owners? A No sir.
Q You didn't tell your people? A Told my parents,
Q But you didn't tell anything else about seeing her up there?
A No sir.
Q You didn't testify for her five years ago, you didn't tell it then did you? A No sir.

Examined by Commissioner Needles:

Q You knew she was a runaway? A Yes sir, I knowed that all right enough.
Q But you didn't go and tell her owners where she was? A No sir.

Com'r Needles: Nelson Murrell applies for the enrollment of himself and wife, Flora; they are both duly identified on the Mams-Clifton and the Wallace rolls; but they cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; they make satisfactory proof as to residence,- by reason of the fact that their names are not upon the authenticated roll of 1880, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

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M.D.Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. (signed)M.D.Green.

Subscribed and sworn to before me this June 8 1901.
(signed)T.B.Needles,
Commissioner.

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File with Cherokee Freedmen D-548, Nelson Murrell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 19,1901.

In the matter of the application of Nelson Murrell et al for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
Mellette & Smith, of counsel for applicants;
J.S.Davenport, of counsel for Cherokee Nation.

R.M.ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A R. M. Allen.
Q Where do you live, doctor? A I live north about a mile of Coody's Bluff, when I am at home.
Q What is your post-office? A Coodys Bluff.
Q How long have you lived in the Cherokee Nation? A Ever since 1868.
Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.
Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.
Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.
Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To a Delaware.
Q How did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.
Q Do you know the applicant in this case, Nelson Burrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.
Q Where were you in '69 after you came down to the Cherokee Nation, what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.
Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.
Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek? A Yes, sir.
Q Who wasliving along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.
Q What washe? A He was a Delaware.
Q Where was the first one, or how many houses along there? A After you left old man Jounreycake's, the first house would be the Widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of Little Buffalo.
Q Were you out over the country around Snow Creek during that year? A What year, '68?
Q Yes, that is the year you said you came down? A No, I don't think I was any that year.
Q Well, was you the next year? A Yes, in the fall of '69 I did made a trip to the Kansas line.
Q To what point in Kansas did you go? A Well they were going to built this town called Parksburg, and I went up there, throught maybe I would buy some lots, me and old man Journeycake and one Daniel B. Hicks, and we went right up the Verdigris Valley.
Q On what side? A East side, and I crossed Snow Creek right where it ran into the river, there was a man lived there, he was living there the last time I was there, by the name of Singleton, I didn't know him.
Q Now how from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.
Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.
Q You never saw the applicant, and have been acquainted with him? A I didnt remember the old gentleman till to)day I met him and some man introduced me to him, Sam Webber I believe.
Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.
Mr. Smith: What did you say your name was? A Allen.
Q Doctor Allen? A Yes, sir.
Q Are you a physician? A Yes, sir.
Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated in the Rush Medical College in Chicago in '65.
Q Well do you practice medicine out there now? A Welljust a little, not much.
Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.
Q Is that on Snow Creek? A No, sir.
Q How far was that from Snow Creek? A Fifteen or twenty miles.
Q Then how long was it from that time until you were on Snow Creek? A I went on Snow Creek in the fall of '69.
Q How long is Snow Creek? A I don't know.
Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.
Q Then where were you going to? A I was going to the Kansas line

where they were going to build that town called Parkersburg.
Q Did they build it? A They did, afterwards.
Q How long afterwards? A The next time I was there they had quite a town there.
Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 20th day of May, the next spring.
Q Well, did they have any town there when you went there the first time? A No, sir.
Q Did they have any town laid out? A I saw some lumber along down there.
Q Did they have any plat, town plat? A I never heard of it.
Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me sufficient news about it to purchase any lots.
Q Did you buy any lots? A No, sir, I didn't.
Q Did you ever buy any in Parkersburg? A No, sir, never did.
Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household utensils.
Q Did you buy them? A I did.
Q How far was it from Journeycake(s where you started to Parkersburg? A Oh it is 25 or 26 miles.
Q And in what direction was Parkersburg from Journeycake? A Well sir, it is north , and I believe a little west.
Q How far was Parkersburg from the Kansas line? A Well, they didn't know where the line was in that day.
Q They didn't know? A Not then they didn't.
Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.
Q Now you started in the fall of 1869 from Journeycake's, did you? A Yes, sir.
Q Where did you? A I started from home.
Q Where did you live? A I lived up at Coody'd Bluff.
Q How far was that from Journeycake's? A About four miles.
Q In what direction from Journeycake's? A North.
Q Then you started from four miles north of Journeycake's in the fall of '69 to go to Parkersburg? A Yes, sir.
Q How did you travel? A I went horseback
Q And was there a road to travel? A No, there was no road.
Q Wasn't any road? A No, I didn't follow any road.
Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
Q Once or more than once? A I only crossed it once going up.
Q And once coming back? A Yes, sir.
Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
Q Well, it is not the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek,
Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
Q And crossed the creek? A Yes, sir.
Q You didn't have to follow the Creek? A No, I didn't follow the Creek.
Q You just simply crossed Snow Creek in 1869? A Yes, sir.

Q Well now then you are not prepared to say that this applicant, Nelson Murrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.
Q But you say you only touched Snow Creek at one point? A That is all.
Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
Q Up or down the Creek? A No, sir.
Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it, A Yes, sir, if a house had been out on the Prairie a quarter of a mile from me them days I could have seen it.
Q Under favorable consditions you could have seen it? A Yes, sir.
Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Simon Love.
Q Where do you live? A Claremore.
Q How long have you lived in the Cherokee Nation? A Ever since '68.
Q Are you a Cherokee or a Delaware Indian? A Delaware.
Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.
Q What was your father's name? A My stepfather's name was Buffalo.
Q Well, did he have any English name? A Little Buffalo they called him.
Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.
Q What was your stepfather's name? A Little Buffalo.
Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Ceadr Creek, about fifteen miles from Coffeyville, Kansas.
Q On what side of the Verdigris River did you locate? A The east side.
Q How far from what is known as Snow Creek? A Six or seven miles I should judge.
Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.
Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.
Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to trade up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.
Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.
Q Was there any houses there? A There was one house there that I can remember, a carpenter that built our house lived there, a man named Baker, in the fall of '68 he built our house.
Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.
Q Well, how long have you known him? A I just can't tell how long.
Q Do you know where he lives now? A Yes, sir.
Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '68.
Q Where does the applicant live with reference to that? A Right north of it.
Q About how far? A I can't tell you how far.

Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place
Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, I don't remember.
Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.
Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.
Q Where were they living? A Living on Snow Creek.
Q That part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.
Q When did they come in there and locate, if you know? A I don't know when they came in.
Q Well, how long have you known that family? A Well I have known them quite a while.
Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.
Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.
Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little farther away, a little farther east.
Q How long since you have been in that locality? A I have been in there quite a while, I don't know really.
Q I believe you stated you came down after the Delawares made the treaty with the Cherokees, or before, which was it? A Afterwards.
Q Did you come the same time the Delawares came, or did your father move the same time they came? A Same time, his was the first train that came down.
Mr. Smith: Mr. Love, you and your family were among the first Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.
Q And you have lived in the Cherokee Nation ever since? A Yes, sir.
Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.
Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.
Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.
Q What direction? A South.
Q Into what stream did Cedar Creek empty? A The Verdigris.
Q Into what stream did Snow Creek empty? A The Verdigris.
Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.
Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.
Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.
Q Well, did you have a house to live in when you first came there? A No sir.
Q What season of the year did you come to the Nation? A February.
Q When did you get a house? A Got a house the next fall; that is, a man built our house.
Q How old were you when you came here? A I was about 15.
Q Where did you remain during the months from February until you got your house built the following fall? A Right at home there.
Q Now you know this old man Nelson Murrell? A Yes, sir.
Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A great many years? A I can't remember how long.
Q Been so long you can't remember when you first did know him?
A Been fifteen or twenty years.
Q Been longer than that, hasn't it? A I don't think it has.
Q How long has it been since you first came down here? A I came here in '58.
Q Well how many years? A 35 years.
Q Well now about how long have you been knowing old man Nelson Murrell? A I should judge about fiteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.
Q How many years was that after you came down to the Cherokee Nation, that you went to Connor's? A About '71.
Q About that? A Yes, sir.
Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.
Q You were still a boy when you did leave? A Yes, sir.
Q Now you didn't go, while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No sir.
Q You know how long Snow Creek is? A No, sir.
Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.
Q You don't know; you never were up the Creek then from the mouth of the Creek up to the Kansas line? A Only right there along the roadwthere I crossed Snow Creek.
Q Now where would you be going when you would cross it? A Well, up into Kansas.
Q To what point? A A place they called Clymore, on Pumpkin Creek, a trading point, or post.
Q Now what was the nearest town of any note to you in the Cherokee Nation, store or post-office, or anything of that sort? A There was none.
Q How far did you live from the mouth of Cedar Creek? A About a mile, not quite.
Q Then you were about a mile from the Verdigris? A Yes, sir.
Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.
Q Then you had to go to Kansas, what direction did you travel? A North.
Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.
Q Well, it was more or less of an east and west course, wasn't it now?A Yes, sir, southwest and northeast.
Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?
Q Well I went after that carponter that built the house.
Q I mean outside of the carpenter and Clymore? A No, sir.
Q So when you went to Clymore you crossed Snow Creek? A Yes,sir.
Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed crossing, Lumen Reed Crossing.
Q How do you know how far that is from the mouth of Snow Creek?
A I should judge about a mile and a half or two miles.
Q Or two, and might be further? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.
Q Now then when you were traveling from where you lived to Clymore you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.
Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.
Q You can't swear he didn't live there?A No, I can't.
Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any houses there.
Q How about a mile up the creek or a mile down the creek? A That I can't tell.
Q You don't know, do you? A No, I don't think there was any houses.
Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the Creek or a mile down the Creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles testified as follows:
Mr. Davenport: What is your name? A John Secondine.
Q Where do you live? A Up at White Oak.
Q That your post-office? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years; since '68.
Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.
Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.
Q Well, what year was that in? A When I first came here, that was in '67, in August.
Q Well, when you came to the Cherokee Nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.
Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.
Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.
Q How long did you stay there? A Well, we stayed there as much as a week or ten days somwehre along there.
Q Was there any houses around there? A No, sir.
Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A No, we looked all around the country there. We came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.
Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.
Q Were you down the Creek to where it empties into the Verdigris? A Yes, sir.
Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.
Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.
Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.
Q You went up and down the Creek you say? A Yes, sir, there was no settlement there.
Mr. Smith: You live out here close to Vinita now? A Yes, sir, I live at White Oak.
Q About how long have you been living there? A I hade been living there 16 years I believe.
Q You related in any way to Journeycake? A Yes, sir.
Q What relation? A Second cousin I believe.
Q How far did you live, when the Delawares first come down in the Cherokee Nation, from Journeycakes? A I lived six miles above, north
Q Six miles north of Journeycake's? A Yes, sir.
Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas calle Parkersburg? A Let's see, I guess it is close onto twenty or twenty two miles I guess.
Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.
Q What direction, west, or north? A East.
Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.
Q Twenty miles from the mouth of Snow Creek? A ~~It mark~~ ~~he~~ yes sir.
Q Do you know a family in there by the name of Love? A Yes, sir.
Q Where did theylive? A They lived up there below Gooseneck Bend, that they call now.
Q Up close to Verdigris River? A Well the were right there in the edge of the bottom, they lived right in the bottom when they first came down here.
Q How far from the Kansas line? A I guess it must be about ten or twelve miles.
Q How far from you? A Oh about 10 miles.
Q In what season of the year did you arrive in the Cherokee Nation? A Well I think the 9th day of February.
Q Who did you come with; that is, I mean your own immediate family, your father? A No, my mother.
Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until grass came up in the spring of '68,
Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a crop over there.
Q How far from this place on Verdigris? A This was on Grand River, it is about forty miles.
Q How if I understand you, you came on the Verdigris River about '67? A I want you to understand this: we didn't move down in '67, I came down here to look at the country.
Q Then what did you do? A I went back to Kansas.
Q How long did you stay? A Well, we stayed a year.
Q It took you a year to look at the country? A No, we stayed about two months here.
Q Then, in '67? A Yes, sir, two months on the Verdigris.
Q About twenty miles below the mouth of Snow Creek? A No, we stopped up there about ten days ~~onne~~ Snow Creek.
Q Well, when did you stop on Snow Creek? A In '67.
Q What time? A In August.
Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.
Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.
Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.
Q Then you was coming how long altogether, about two months? A Two months.
Q Then you went back to Kansas? A Yes, sir.
Q How long did you stay in Kansas? A We stayed till- I left there in February, about the first of February.
Q What year, '68? A '68.
Q Where did you go? A Came down here.
Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.
Q How long did you stay in that part of the country where you first came to? A Well about two months.
Q About what time was it when you moved out of that neighborhood
A It was about along in the first of April, somewhere along there.
Q Then did you move to Grand River? A Yes, sir.
Q That was 35 or 40 miles away? A Yes, sir.

Q Were you back in there at any time soon? A I came back again before Christmas.
Q Back in there again? A Yes, sir.
Q Where were you then? A I was over there about Coodys Bluff.
Q Up about Snow Creek? A No, below there.
Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well I can't exactly tell, it is not very far.
Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.
Q You mean the mouth of Snow Creek? A Yes.
Q Then you camped right exactly on the Kansas line? A No, sir.
Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek,
Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.
Q It has to be up Snow Creek if it was anywhere? A Yes.
Q Well you said you camped three miles from the mouth of Snow Creek? A Yes.
Q Then you were right exactly on the Kansas line, weren't you? A No I was right east; Snow Creek runs kinder east, kinder of northeast.
Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, there wasn't anybody livig there.
Q Well, there was a carpenter living there that built this follow Love's house? A The Delawares never moved here till '68.
Q You said you were back there in '6-; what I am asking you about, you were back there in '68, were you on Snow Creek then? A I think I was there.
Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.
Q Well you don't know when this carpenter that this other witness got up there to build his house, built his house up on Snow Creek, do you? A No, sir.
Q Can't say that wasn't there in '68 though, can you? A No, sir, can't ~~xxxx~~ swear it wasn't there.
Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.
Q You don't beliebe it was, but you don't know? A Because I didn't see them, there was no settlement there.
Q All you know is you didn't see any houses there? A It would have to be apretty small house if I didn't see it.
Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.
Q What was it along Snow Creek, timber of prairie? A There is some timber there.
Q You could stick a little cabin around there most anwwere, couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Purrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.
Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people.

HENRY NELTON, being duly sworn by Commissioner Beedles, testified as follows:
Mr. Davenport: What is your name? A Henry Nelton.

Q Where do you live? A I live up on Snow Creek.
Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.
Q Do you know the applicant here, Nelson Murrell? A Knowed him all the days of my life.
Q Was he living up there when you lived up there? A Yes, sir,
Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.
Q Where were you living when the war broke out? A Living on Bird Creek
Q You know where Nelson was? A Yes, sir.
Q Was he there with you? A No, sir, he was down here to Park Hill
Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.
Q How long before the braking out of the war had you been down there? A I don't know, I can't tell.
Q Well, had it been a year or two years or six months; what do you think about it; I want to get the facts there, about how long it had ben before the war came on? A I can't tell you.
Q You and Nels belonged to the same man, did you, before the war? A My mistress' daughter married Uncle Nelse's young master, John Lane.
Q Who did Uncle Nelse belong to when he went by the name of Murrell? A George Murrell.
Q Is that the same George Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one;, I don't know it.
Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagoner from Park Hill? A Yes, sir.
Mr. Smith: I object to that, because it is leading.
Q Did you knowxxxChlora? A Yes, sir.
Q Do you know who her or not she is the wife of Nelson Murrell now? A Yes, sir.
Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.
Q Where was Chlora when the war came on? A I don't know where she was.
Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.
Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.
Mr. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.
Q What was his name? A Lewis Melton.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.
Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.
Q Mr. Davenport: Do you know who she run off with? A Yes, sir, my woman will tell you that.

Taking of testimony continued by Stenographer J.O.Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)Bruce C. Jones.

Sworn to and subscribed before me this the 8th day of November, 1901.

(signed)T.B.Needles,
Commissioner.

October 19th, 1901.

Takin- of testimony in matter of the enrollment of WILSON MURRELL, Mt. Al., C.N.-D. #[illegible], continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:
Mr. Smith, of Counsel for applicants;
Mr. Davenport, of counsel for Cherokee Nation.

MINTIE HELTON, being duly sworn by Commissioner Needles. testified as follows on part of Cherokee Nation.
MR. DAVENPORT: What is your name? A Mintie Helton.
Q Where do you live, Mrs. Helton? A On the Verdigris.
Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.
Q You know the applicant, Nelson Murrell? A Yes, sir, I know him.
Q Do you know his wife? A Yes, sir.
Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.
Q Well, do you know where she was when the war broke out? A No, sir, I don't.
Q Did she belong to the same parties that you belonged to? A No, sir.
Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.
Q Was she a slave of the same parties you were? A No, sir.
Q How far did she live from you? A 12 miles I think.
Q Well, you say you don't know where she was when the war broke out? A No, sir.
Q Had she left the country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.
Q What was your father's name? A His name was Robert Vann was his name.
Q Where was he when the war broke out, do you know? A No, sir, I don't.
Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.
Q About when did you see him? A When did I see him?
Q Yes? A I can't tell exactly when it was.
Q Well, have you seen Nelson's wife after you came back after the war? A This lady he has got now?
Q Yes. A No, sir, they lived up here.
Q I mean since you have moved up in this country? A Yes, sir.
Q Is she the same woman you knew before the war? A Same woman.
Q And you say you didn't know where she was? A No, sir.
Q Was she with her owners that owned her when the war broke out? (No response.)
Q Was she at their home? A Well, I don't believe she was right at home.
Q Do you know where she was or what became of her? A I don't know where she was.
Q Do you know how she came here, what the circumstances of it was? A I guess she went off.
Mr. Smith: I object to what she says.
Witness: She lives with Lewis Helton and I live on Caney.
Q Isn't it a fact that your father and she ran off and left this this country before the war broke out?
Mr. Smith: I object to the question, if the Court please, because it is leading, and the applicant says she does not know.
Com'r Needles: Let the objection be entered.
A She was at home and I was at home; I don't know where she went

to and I never visited there.
Q Wasn't it understood by you that she and your father ran off together before the war and left the country?
Mr. Smith: I object to that.
COM'R MEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.
MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.
MR.SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.
Q You don't know what took place when the war broke out? A No,sir.
Q You don't know where she was when the war broke out? A No, sir.

HENRY MELTON, recalled, further testified:
MR. DAVENPORT: Henry, what xxx was your wife's father's name, do you know? A Robert Vann.
Q Did he belong to the same men you did? A No, sir.
Q Did you ever know him before the war? A Yes, sir, he was living with Joe Vann.
Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.
Q Well, where was she when the war broke out? A I told you she was gone.
Q Do you know where Robert Vann was? A He must have been with that woman.
Q Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and stold Flory from my Masters.
Q Where did they go? A I don't know where they went.
MR.SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.
Q Did you see him? A Yes, sir, and talked with him.
Q Did you? A Yes, sir, and hoped him get off that night.
Q What night? A The night he left, and then I met my old Boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Lokin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.
Q Where did Joe Vann live? A On Grand River, in the Cherokee Nation.
Q And you think he had Flora over about Joe Vann's? A I don't know.
Q What did you say about Joe Vann? I said I was there when he brought her there.
Q Didn't you say awhile ago that that is where she was when the war broke out? A No, sir.
Q Have you told now all you know about thiscase? A Yes, sir.
Q Have you left anything for your wife to say? A No, sir.
MR.DAVENPORT: Just told xxx the facts? A Yes, sir.
MR.SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.
Q Were you asked the question the first time you were on the stand who did Flora run off with; were you asked that question? A Yes, sir.
Q The first time you were on the stand? A Yes, sir.
Q Did you say "I don't know, my old woman can tell you?" A I said-
Q Did you say "I don't know?" A No, sir.
Q You didn't say that at all? A No, sir.

PHILLIP R. CAESAR, being duly sworn by Commissioner Meedles, testified as follows on part of Cherokee Nation:
MR.DAVENPORT: What is your name? A Phillip R. Caesar.
Q Where do you live Mr. Caesar? A Muskogee.

Q Where were you at the close of the war? At the close of the war I was in the war, in the army.
Q Where were you mustered out? A I was mustered out at Fort Leaven worth.
Q Well , after you were mustered out where did you go? A After I was mustered out I came to the Territory.
Q What part of the Territory did you come first? A First I came to Cherokee Nation.
Q Near what point? A Were on the Verdigris somewheres about the Verdigris, little creek called Snow Creek.
Q How long did you stay in that vicinity there? A I stayed there only one season, one year.
Q What year did you come to the viwinity of Snow Creek, Mr. Caesar? A It was '57, Spring of '57 that I came.
Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.
Q Was there any improvements made by anyone around there? A No, sir, only improvements I knowed of there at the time and they were little, and then I-- not an improvement, but just fencing and put in a little crop of corn the year I came there.
Q How far was the improvements that you made from where Snow Creek empties into the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow Creek and Verdigris.
Q Short distance away? A Yes, sir.
Q Are you acquainted with the applicant here, Nelson Murrell, the gentleman who sits there, the old gentleman on the front seat? A No, sir, I am not personally acquainted with him.
Q You are a citizen of the Creek Nation aren't you? A Yes,sir.
Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there there was a family started an improvement up the Snow creek above I and also one up the Verdigris; up the Snow creek from the mouth and up the Verdigris from the mouth of Snow Creek.
Q That was before you left there? A Yes,sir.
Q Was there any Indians in that part of the country before you left? A Yes sir.
Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.
Q You did some work for him before you left there? A Yes, sir.
Q Do you remember his first name? A The young man employed me at the time there was Simon, and Sam.
Q Where did they live with reference to where you settled, or had they built improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.
Q Were you on the north side, what I would call the north side of Snow Creek, or south side; I mean by that, were you in between the river and Snow Creek? A Between the river and Snow creek.
MR.SMITH: How far were you away, Caesar, from the mouth of Snow creek? A In about, I could not tell, it was a short distcane it was just a flat.
Q Mile or ten miles? A About somewheres, a mile, might be a mile or mile and a half.
Q From the mouth of Snow creek? A Yes, sir.
Q How far was that from the mouth of Cedar Creek? A I don't know a creek by that name.
Q How far was that from the line of Kansas? A The exact distcane I couldnot tell; it was not very far.
Q About how many miles, as near as you can come at it? A Well. if I would have to say according to my judgment, because at the

time I never paid any attention whether it was half or 25 miles, but living there, to Chetopa it might have been four or five miles, that I would say that then it would be just according to my judgment.
Q Well, when youleft there did you leave for Chetopa? A When I left there?
Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.
Q How far did you live from Snow creek? A I raised~~xxxxx~~ one little crop on Snow Creek.
Q When did you get there? A Along in the spring, about February or March.
Q Did you have a family? A No, sir.
Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
Q Lived in Little's house? A ~~X xxxxx~~ Yes sir.
Q ~~xWhere dxxxxxxxxx~~ About a mile or a mile and a half from Snow creek? A Yes, sir.
Q Did you live right on the bank of Snow creek? A No, sir.
Q How far did you live? A Somewhere about a mile from the river.
Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
Q Now, how long is Snow creek? A I don't know.
Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas? A I don't know.
Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
Q You have been in the State of Kansas? A I have been, but I can't tell how long the creek is.
Q So you don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir, I could not tell you.
Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned? A No, sir.
Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.
Q You don't pretend to swear that man Nelson Purrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
Q You don't know how long those families had been there in that part of the country? A No, sir.
Q Where they came from? A No, sir.
Q Don't know anything about it? A No, sir.
Q How long were you in the army? A In the army about two years and two months.
Q Where did you join? A I joined about the 9th of August.
Q What year? A '65.
Q And how long were you in the army you say? A I was in the army two years and two months somewhere about that.
Q What time did that let you out? A I got out in September, well, in about, I was discharged in September, '67.
Q Where were you when you were discharged? A Fort Leavenworth.
Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.
Q Well, how many years? A Well, from '65 until '67.
Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.
Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and from from one country to the other.

Q Where did you first go, to the Creek Nation after the war?
A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Fig Creek settlement.
Q Don't you know when it was you first went to the Creek Nation?
A No, sir.
Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.
Q Then? A I was in the Creek Nation in the limit, the 12 months
Q Twelve months from when? A From April the 13th or 16th I suppose.
Q April 16th, what year? A From the passage of the treaty.
Q When was that? A '67, April, '67.
Q When you worked for Love where did he live? A Cherokee Nation.
Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.
Q Just started; well, was it a house or not? A House I suppose.
Q Don't you know, don't you know a house when you see it?
A Yes, sir.
Q Was it a house or not? A Yes, sir.
Q Now, what year was that? A That was the year of '66, it seems to me it was the year after I left Snow Creek.
Q How early in '66 and how late? A How, the days of the year, and so on, I could not tell; it was about hay making time.
Q Do you know who built his house? A No, sir, the house was there when I went there.
Q Do you know anything about a carpenter before that time that liced up on Snow Creek and built Love's house? A I don't know.
Q Wasn't any living up there? A I don't know.
Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.
Q People lived around there that you didn't know anything about?
A I don't know; it might have been these people I am talking about.

Commr Meadles: This testimony will be made part of the record in the case at bar, and it will be also made part of the record in Cherokee Freedmen doubtful cases #550, #552, #758, #922, #788 and #994.

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this October 15th 1901.

(signed) T.B.Meadles.
Commissioner.

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M.D.Green, being first duly sworn, states that as steno rapher to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this February 4th, 1902.

Commissioner.

File with case of Emma Powell, C.F.-D.#475.

Supl. order C.F.-D.#473.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 22d, 1901.

SUPPLEMENTAL ORDER in Case of Charles Williams, et al/, Cherokee Freedman doubtful card #473, for enrollment as Cherokee Freedmen:

Commissioner Needles: The representatives of the Cherokee Nation request that the testimony in D-548, case of Nelson Murrell, be made a part of the record in the case of Charles Williams, D-473, and D-475.

And that the testimony in case of Emma Powell, D-475, be made part of the record in case of Sarah Robinson, D-476, and Nettie Powell, D-478, and William Love, D-479.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.

File with C. W. D-475.

C. F. D. 548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 15, 1902.

In the matter of the application of Nelson Murrell et al. for enrollment as Cherokee Freedmen.

APPEARANCES:
Applicants represented by Mellette & Smith, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

W. H. NICKEMS, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A W. H. Nickems.
Q What is your age, Mr. Nickems? A 64.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Yes, sir.
Q Where were you living when the war closed? A When it closed?
Q Yes, sir, say in '65? A I lived five miles west of Scott.
Q You mean Fort Scott? A Yes, sir, Fort Scott, in Bourbon County.
Q Were you married then? A Yes, sir.
Q Living on a farm? A Yes, sir.
Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.
Q When did you learn to know him? A It was about the latter part, I don't know just exactly what month it was, of '65.
Q Was he living in the country or in town? A He was living in the country.
Q On whose place, do you remember? A On Isaac Allen's place.
Q How far did you live from him? A Oh, hardly half a mile, I would say half a mile.
Q Did you know Joe Ross? A Yes, sir.
Q Where did he live? A Why it was said that he lived with his father-in-law, I believe they called him.
MR. SMITH: I object to anything that was said unless you know Nelson was his father-in-law.
MR. HASTINGS: Well, you knew him anyway? A I knew him.
MR. SMITH: The counsel for the applicant objects as to the witness's statement as to where Joe Ross lived because he does not state from his own personal knowledge.
MR. HASTINGS: You do state of your own personal knowledge that you knew him? A I knew him.
Q And he lived around there somewhere? A He lived, he stopped---
MR. SMITH: I object to that because it is a leading question.
WITNESS: He stopped there where his father-in-law lived.
MR. HASTINGS: How long did you continue to know Nelson Murrell, how long did he live on that place, Allen place? A I think he moved in '66, about the first of the year, it might have been that it was a little later or a little earlier.
Q First of what time? A '66.
Q Of '66? A It might have been that it was just the latter part of '65 that he moved; I knew that he lived there right on the same place till he moved.
Q And where did he move to? A He moved about four miles and a half west of me on a farm that was known by John Todd's farm.
Q Did you live between him and town at that time after he had moved?
A Yes, sir.
Q Did you ever have occasion to see him after that time? A Yes, sir. I see Nelson after that.

Q Well, for how long did you continue to see him? A It was in '67 sometime; I don't recollect just what time it was. I see him often passing backwards and forwards; he lived west of where I lived and the road that they travelled from Marmaton to Scott, Fort Scott, why passed right by my place, part of the time passed right in front of my house, and part of the time there was another road just west of my house a half a mile. I see him passing backwards and forwards.
Q Did you ever see Joe Ross after he moved away from the Allen farm? A Yes, sir.
Q Well, how long did you continue to see him up there? A I think it was in '67, the last that I ever recollect seeing of him; I might have seen him later than that.
Q You might have seen Nelson Murrell later than that? A Why I might have.
Q That's as late as you remember? A Yes, sir.
Q Do you know what finally became of Murrell, where he went to from that country when he left? A No, sir.
Q Do you know where he claimed he was from? A He claimed he was from the Nation.
Q How far was that from the Cherokee Nation? A Which?
Q Marmaton up there? A Marmaton, I don't know what the distance is from here to Marmaton.
Q Well, up from the line at Chetopa, Kansas? A I don't know just how far it is.
Q Well, it isn't the same tier of counties, don't border on the Nation line does it? A No, sir.
MR SMITH: I understand that you are not certain about the time that you last saw Nelson Murrell, the man that you talk about, in Kansas; you couldn't tell us the date that he left? A No, sir, I saw him in '67.
Q How about Joe Ross? A I saw him in '67.
Q Which was the older of the two men? A Nelson.
Q Was he a married man or a single man, Nelson? A Married man was what was my understanding.
Q Well, did you know his wife? A No, sir.
Q Don't know what her name was? A Do Not.
Q Where have you been living how ever since that time? Ever since the war closed? A Living on a farm that I bought in '65, five miles west of Fort Scott, and still remain there.
Q Were there a good many or just a few colored people in that country at the time the war closed? A Yes, sir, quite a good many.
Q Do you remember when all of them left or when each one left? A I don't remember just when they left there, there is quite a good many of them that I know.
Q Well, you don't know if it's true that you saw Nelson Murrell in '67 you don't know where he was all of the time during '65 and '66 do you? A Well, I think I do.
Q Well, do you know it? A In '65 he lived on the Allen place in a half a mile of me, and I don't know but he remained there up to '66; I rather think he did.
Q He may have left there sometime during the year of '65? A Yes, sir, he might have done, but I think it was the latter part of '65 or perhaps it was the first of '66.
Q Well, all you can testify to is that you saw him there in Kansas as late as '65, you don't know where he was before that all of the time? A No, I don't know where he was, but I knew where he lived or where they said he lived, I don't know just where he was.
Q You don't know where he lived except from what was said? A Oh yes, sir, I knew where he lived, he lived on the John Todd farm, and he lived on the Allen farm that I knew of from '65 to '67.
Q Were you ever on the John Todd farm when he lived there? A Yes, sir.

Q Well, did you see his house? A Yes, sir.
Q See him? A I seed his house.
Q You didn't see him though on the John Todd farm? A I see the house on the John Todd farm, and my understanding was that Nelson lived there.
Q That was just your understanding; you didn't know it personally? A Oh I seed them about the place, I knew them well enough when I was passing there, I knew them when I seen them.
Q Why of course you knew them, but did you see them when you was passing there? A Yes, sir.
Q Well, who did you see? A I see Nelson there.
Q Who else? A Why I have seen the family.
Q Well, you didn't know his wife? A No, sir.
Q Well, you don't know whether you saw her or not? A No, I don't know whether I saw her or not.
Q Well, all you really know as to the John Todd place is what people said about where he lived? A Why he certainly lived there.
Q Well, do you know it of your own personal knowledge? A No, sir, I wasn't in his house, no, sir.
Q That is your occupation? A Farmer.
Q Live in Kansas? A Yes, sir,
Q Lived there ever since the war closed? A Yes, sir.
Q Well, sir, how is it that you could remember that long about the movements of these colored people? A They was part of the people that worked for me.
Q Well, did Nelson work for you? A No, sir,
Q Well, then the fact that the other colored people worked for you wouldn't have anything to do with your remembering Nelson? A I was right in his yard, the road passed almost right through Nelson's yard, also the road passed right to his house when he lived on the Todd farm.
Q Well, Mr. Wakeman, how long had it been since Nelson Murrell had moved from the community until you were called upon to remember it, until you were asked how long had he been gone when you were first asked about the date; how long had he been gone? A Why I don't recollect, my recollection is just what I knew about the folks.
Q Well, nothing was said to you one way or the other about the time he left until a short time ago, was there? A Why I knew what time, or about the last time I seed him, I don't pretend to say that he left at that time, but the last time I do say that I saw him was in 186?
Q Well, how many years elapsed before you had a conversation with anybody relating to the time he left? A I couldn't tell you just exactly how many.
Q Well, was it thirty or thirty-five? A Oh twenty-eight or thirty years, some place along there.
Q Well, then if it was twenty-eight or thirty years, with whom did you have the first conversation about that date? A I don't know as I recollect who I told, we might have talked about these folks, because there were parties of these folks that worked for me.
Q Well, there was Nelson, you wasn't talking about him, he didn't work for you did he? A No, sir.
Q Who did you first talk with about Nelson Murrell twenty-eight or thirty years afterwards? A The first talk I had was last fall I believe in regard to Nelson.
Q Well, who did you have that talk with? A Well, with, I can't recall the man's name, but he is an officer of Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Well, you didn't remember then just when Nelson had left there did you? A I knew that he left there in '67.
Q What means did you have to refresh your recollection, if any, as to the time when he had gone? A I see the man in '65, and I saw him in '67, my recollection is good enough to know when I saw

a man at that time why I don't forget it.
Q You didn't have any business transaction with him at all, did you, with Nelson Murrell? A No.
Q Now about thirty years afterwards you just remember, dry so, whether he had left there in '65 or '67? A I recollect that is the last that I saw him, I don't know when he left there, but the last time that I saw this man was in '67 and I saw him in '68.
Q You had nothing to fix that on your memory just except your general— A I was very well acquainted with Joe Ross, and he kept me posted on his father-in-law.
Q Well, now, tell me how Ro kept you po ted about Nel on Murrell?
A Well, Ro worked for me ome, wapped horse with him at one time.
Q Joe Ro ? A Ye , ir, Joe Ro .
Q Well, is that all—is that the only time you ever wapped horses up there? A Oh no, no.
Q Who else did you ever wap horses with? A I don't know, I used to trade horses considerable.
Q Can't tell all the people you traded with? A Could tell part of them.
Q Can you tell me anybody else you traded horses with in '67 and '68? A Oh, traded a good many times, you recollect about '65 it was trading part of this country.
Q Well, I don't recollect much about it. Nothing at all to fix that particular time on your memory with regard to Murrell further than you have stated here in your testimony? (No response)
Q Was there anything now to fix the time when you last saw Murrell further than what you have stated in the testimony which you have given? A I don't know of anything anything more than just what I have given.
Q Do you remember when the Commission sat at Vinita, Indian Territory, up here in the Cherokee Nation, taking testimony in these cases? A I do not.
Q Where were you last October? A Where was I? I was at home, sir.
Q Was that about the time that they were talking to you about this case? A I don't recollect.
Q Well, do you know whether it was earlier or later? A I think it was along in the fall.
Q You don't know whether it was earlier or later than October?
A No, I don't just recollect.

JASPER FORTNEY, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A Jasper Fortney.
Q What is your age, Mr. Fortney? A I am nearly 65, 64 past.
Q Mr. Fortney, do you reside in Kansas? A Yes, sir, Fort Scott, Kansas.
Q That your postoffice? A Yes, sir.
Q Do you live right in town? A Yes, sir.
Q I will ask you to tell the Commission when you came to Kansas, when you located there? A We landed in Bourbon County, Kansas, on the 6th day of April, 1868.
Q How far from Fort Scott? A Eight miles.
Q What direction? A West.
Q How far was that from either the town or the river at Marmaton?
A Two miles from the Bend out there, one mile from the river; the river runs in a northwest direction there.
Q Did you know a man by the name of Todd? A John Todd, yes, sir.
Q Did he own a farm out there? A Yes, sir, several of them.
Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.
Q When did you learn to know him? A The year of 1868.
Q How soon after you landed there? A Oh I should say, speaking at random, immediately.
Q Immediately? A He lived a quarter of a mile west from where we

moved to.
Q On whose farm? A On John Todd's farm.
Q Do you know Joe Ross? A Yes, sir.
Q Where did he live? A He lived in the same house with Nelson Merrell.
Q How long did you continue to know Nelson after you located there? A Until the fall of the year '69.
Q Fall of the year '69? A I think that is the time, sir, that is the best of my remembrance.
Q Make a crop there on Todd's place? A Yes, sir.
Q Both years of '68 and '9? A I think so.
Q Did you know his wife? A Yes, sir.
Q Do you remember her name? A Merrell's wife?
Q Yes, sir. A Eliza or Liza we always called her, Aunt Liza.
Q Did you know Joe Ross's wife? A Yes, sir.
Q What was her name? A Sarah.
Q They lived there together? A Lived in the same house.
Q Do you know what became of Murrell, this Nelson Murrell that you speak of? A He left there to come to the Nation, this country was then known with us as the Nation, down to the Nation.
Q Well, did you ever hear of him being down here afterwards? A I have heard of him; I never saw him. Moved onto the Verdigris River in south, nearly south, of Coffeyville.
MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal knowledge.
MR. HASTINGS: You only heard of that? A Only heard about it.
Q Through whom did you hear it? A Through my brother.
Q Did your brother know him up there? A Yes, sir.
MR. SMITH: I move to strike that out, being hearsay.
MR. HASTINGS: It is a circumstance by identification.
Q He lived in about a quarter of a mile did you say of you? A Yes, sir.
Q Were you married at the time you moved there? A Yes, sir.
Q To your present wife? A Yes, sir.
Q She is here with you? A Yes, sir.
Q Did Murrell or his wife either work for you some? A Yes, sir, occasionally helped us a little. Merrell would help on our farm and help when we needed help, and his wife helped our women with the housework.
Q Where did you come from to Kansas? A West Virginia.
Q And you weren't in Kansas then prior to April, 1868? A No, sir.
Q And you got acquainted with Nelson Murrell after that time? A Yes, sir.
Q What is your occupation, Mr. Fortney? A By profession I am a civil engineer, not doing much of anything now.
Q Little past that age? A I am not able to.
MR. SMITH: Well, this man Murrell that you speak of, you don't know where he was of course in '65? A No, sir.
Q Nor '66? A No, sir.
Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.
Q Well, at the time you knew him did you know where his family lived, have you ever been to the house? A Oh many a time.
Q Didn't own any farm there did he? A No, sir.
Q Well, what kind of work was he doing? A Farm work.
Q What kind of work did he do for you? A Helped us with the farm work, making fence, helped to thresh, and so on.
Q What kind of employment did you give him, by the day, week, month or year? A By the day usually.
Q By the day? A Yes, sir, I think so. Because he worked no considerable length of time at any one time continuous service.
Q Well, what kind of work did his wife do for your family? A Worked by the day, I presume, sir.

Q Washed, did she, or cooked, or what? A Did washing and helping clean house and so on, women's work.
Q By the day? A By the day, I think so, sir, the women usually employed their help and did the paying also; but she, like her husband, worked no considerable time continuously for us.
Q Now what was her name you say? A Eliza, sir, we called her Aunt Liza in speaking to her.
Q How old was she at that time? A How old was she?
Q About, yes, sir; was she a young woman, or middle-aged or old?
A Middle-aged I would say, 40 or 45 years old.
Q Well, then, all you know about it is that after you went to Kansas you saw this man in Kansas, and that he worked for you, and his wife worked some for you by the day? A Yes, sir, and that they were there continuously for nearly two years, residing there.
Q Well, how far did they live from you? A About a quarter of a mile.
Q During two years? A We come there on the 6th day of April, 1868 and they were there I think late in the fall of '69.
Q At the same place? A At the same place in the same house, sir. Ross, Merrell, and their families all residing in the same house.
Q On whose farm? A John Todd's.
Q Well, what were you doing at that time? A I was farming.
Q How long did you continue to farm? A After that?
Q Well, just from the time you went there? A Well, most of the time for fifteen years; no, I will correct that, 12 years.
Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.
Q On what farm? A On the farm belonging to my father and brother, adjoining the one on which Merrell and Ross lived.
Q Was Murrell there all of the time during that time? A He resided there all the while, sir, he might have been away temporarily, I can't say.
Q Do you remember whether he was away at all or not? A No, sir, I don't remember after that.
Q Well, why do you say he resided there all of the time? A His family was there, that was his home.
Q It was because this woman whom you called Aunt Liza was there that you say he resided there? Is that correct? A Oh, he had his crop there, he had his farm tools there, and stock, he had some little stock, cows, I think, and horses, they was there.
Q Was he an old man or a young man? A I would think he was near 50 years old.
Q When? A At that time, 45 to 50, somewhere along there.
Q Have you ever seen him since he left there? A No, sir.
Q You don't know whether it was the same man who applies in this case or not? A Nothing only the name, sir, that is all.
Q Did he always go by the name, the man you knew, by the name of Nelson Murrell? A As far as I knew he did, yes, sir.
Q You never knew him by any other name? A No, sir.
Q So far as you know you don't know where he went to when he left there of your own personal knowledge? A Only what he told me.
Q What who told you? A Nelson Murrell.
Q I thought your brother- A You asked me if I had seen him, I said I hadn't since that time, and I don't know where he resides further than what my brother said. But I did know where he said he was going.
Q Who did he say it to? A Said it to me.
Q When? A Just before he came down into the Territory.
Q Well, who came with him if any one? A Joe Ross, his son-in-law, and family.
Q What about the woman Aunt Liza, did she come? A Yes, sir.
Q Now when did you say that was? A Fall of '69 I think, sir.
Q The fall of '69? A Late in the fall of '69 that they came down

to this country or to the Territory, I won't say this country.
Q Well, what makes you so positive that it was that long after you first came to the country that they left? A Because, sir, Nelson Murrell had grown a crop, grown on John Todd's farm, in '68, and my brother and I helped to harvest it and helped to thresh it, and so on.
Q In '68? A My brother cut the harvest for him; I helped in the field as a harvest hand.
Q When did you first think about the time he had left afterwards, how long years had it been? A I don't know that, sir, I don't know when I first thought about it.
Q Well, you have had some conversation about it since I suppose? A Not until nothing more than my family and I might speak of Aunt Edna or Uncle Nelson, or hear indirectly something from them or something of them, why it might come up, I don't know that there was anything else to bring it up specially.
Q Well, with whom did you first talk as to the date, when did you first get to talking about the date when he had left there with anyone for the purpose of fixing the time in your mind? A I don't know when I first did, sir, may have spoke of it many times in the last thirty years.
Q Well, do you remember when the Commission was enrolling freedmen down here in the Cherokee Nation in about '96, Kern and Clifton Commission? A Oh, I may have read of it or heard of it.
Q Were you a witness then at that time? A No, sir.
Q Well, now when you first were asked about what you knew about Nelson Murrell how long had it been since he left there, how many years had elapsed, that's what I want to know, you see what I am asking you? A I was interrogated within the last four or five or six days, I will say a week; a geneleman came to see me to know if I knew anything of Merrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, and if I knew his wife. Those questions have been asked me, yes, sir; and I answered affirmatively.
Q Well, was the inquiry with regard to Merrell, as you state, or Murrell, you said Merrell as I understood you? A Well, sir, Nelson Murrell.
Q How would you spell it? A I don't know, sir, I don't know that I ever spelled it or was asked to.
Q Well, would you say that it was Murrell or Merrell? A Well, after studying it over I would say if I was going to spell it that it was M-e-r-r-e-l-l.
Q Then you were mistaken whenyou said Merrell? A Well, it was probably a mistake in pronunciation, yes, sir, you and I might pronounce it differently.
Q Well, if it was spelled M-u-r-r-e-l-l you wouldn't call it Merrell, would you? A It might be thus pronounced.
Q Well, how would you get Merrell out of M-u-r-r-e-l-l? (No response)
Q Well, now, it had been when you were interrogated, as you speak of, something more than thirty years, hadn't it? A '68 and 30 would be '98; yes, sir, thirty years, over thirty years since he left there.
Q Did you have anything by which to refresh your recollection in books or papers? A No, sir.
Q Well, now could you remember exactly the year that you and your brother had harvested a particular crop for thirty years back without anything whatever to assist you in arriving at that date? A Well, sir, I can answer that by saying that if I never did a job for a man except one time, and that was in the year that he left the country when that work was done, that I could arrive at a definite time.
Q Well, did you ever do any other work for any other one man who left the country at any particular time? A I don't remember.
Q Well, in what way now were you able to arrive at this particular

date [illegible] years after it happened? A Simply by my own remembrance, that is all.
Q By your own remembrance? A Yes, sir, I have nothing by [illegible] to refresh my memory or anything of that kind.
Q You don't think you could be mistaken about it? A No, sir, I think not.
Q How was that? A I think not.
Q Well, are you sure? A I am as sure of that as I could be of anything else transpiring that long since, that's my remembrance.
Q That's the best of your recollection at this time? A Yes, sir.
Q You couldn't say as positively that that was true as you could about something that happened yesterday or last year, could you? A Well, pretty nearly in this case; I don't think that there is anything that vitiates my remembrance at all of the time of my leaving there, and the time we went there.
Q How many colored people do you suppose left that country since you went there? A I don't know.
Q Many or few? A I suppose there have been a good many that have left there by death and otherwise.
Q Can you give the dates when they left, all of them? A I didn't have any business with them, therefore I wasn't intimately acquainted, not very intimately acquainted with them, I have known them, seen them.
Q Then you couldn't tell about the time when the majority of them went away? A No, sir.
Q That time in the year did you arrive there yourself? A 6th day of April, 1866.
Q Who did you bring with you? A Brought my family, and my father and his family.
Q Your wife and your own family and your father and his family? A Yes, sir.
Q Never moved away from that immediate country after that [illegible], sir, I have lived in that county ever since.
Q Well, did you ever do any civil engineering after you [illegible]? A Yes, sir.
Q About when? A Several times in my time; worked for the [illegible] some for the Gulf Railway, we called it the Memphis, the [illegible] is now, and the Missouri Pacific Railway Company.
Q Commencing about how long after you went to that county? A I was county engineer elected in 1888, and was the county engineer for four years, and deputy engineer for four years more, did the work.
Q Well, up to that time had you done anything except farm work? A No, sir, very little civil engineering prior to that time.
Q Did Doss and Murrell leave there together? A Yes, sir.
Q See them start? A Well, I knew when they did start, but whether I saw the wagons start when he left the house or not I can't say now. I knew they were getting ready to start and that they did leave.
Q What did they take with them? A Took their families with them.
Q What else? A What little stock they had I think.
Q Well, how much did that consist of? A I can't answer you now, I don't remember as to that.
Q Didn't seem to be much of a job for them to move did it? A They came in wagons, had two wagons I think.
Q Had two families? A Had two families.
Q Took one wagon to move what one family had? A Yes, sir, I guess that's about the amount of transportation they had.

VASHEY FORTNEY, being first duly sworn, testified as follows:

~~Mr. [illegible]~~ What is your name? A Vashey Fortney.

Q What is your age, Mrs. Fortney? A 62.
Q Is Mr. Fortney, who just left the stand, your husband? A Yes, sir.
Q Your postoffice is Fort Scott, Kansas? A Yes, sir.
Q Do you live in town? A Yes, sir.
Q Where were you born? A West Virginia.
Q Were you living in West Virginia during the late Civil War?
A Yes, sir.
Q Were you married before or after the war? A Married just before the war broke out.
Q When did you come to the State of Kansas? A The spring of '68.
Q Your husband come with you? A Yes, sir.
Q Where did you first locate? A Near Marmaton.
Q In the country? A Yes, sir.
Q On a farm? A Yes, sir.
Q Did you ever know a colored man there by the name of Nelson Murrell? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Did you know a colored man by the name of Joe Ross? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q About how far did they live from you after you located there?
A Well, I would say about a quarter of a mile just guessing at it.
Q How long after you came there did you become acquainted with them, learn to know them? A Well, almost immediately, because they were our nearest neighbors, and they worked for us.
Q Were they living there when you moved there? A Yes, sir.
Q How long did they continue to live there? A Well, the year of '68, and I think the fall probably of '69, at least I won't go any further than that, I am quite positive that they were there until the fall of the next year.
Q Of '69? A Yes, sir.
Q Live there on this same place where you found them? A Yes, sir.
Q And you lived there on an adjoining place a quarter of a mile distant? A Yes, sir.
Q That was out in the country was it? A Yes, sir.
Q Do you know where they went when they left there or where they said they were going? A Well, I know what they said, they said they were going to the Nation, and further than that——

MR. SMITH: I object to that, I want to know who said that.

MR. HASTINGS: Well, any of Murrell's folks? A Well, yes, sir, they all talked of it, and of course we were anxious to know about their moving away.
Q Was that while they was making the preparations for their removal? A Yes, sir.

MR. SMITH: Well, I object to that because the statement of no one who is not a party to this action can be taken.

MR. HASTINGS: These are the same parties.

MR. SMITH: Well, I don't think so. Counsel objects to the statement made by any other person except the party to this suit.

MR. HASTINGS: (To witness) They said they were coming to the Nation? A Yes, sir.

MR. SMITH: That question is objected to.

MR. HASTINGS: You never saw them after that time? A No, sir.
Q Did the women folks work for you? A Yes, sir.
Q Did you know Murrell's wife's name at that time? A Yes, sir, Sarah I think was what they called her.
Q Did you know Joe Ross's wife's name? A That was Sarah, yes, sir.
Q Well, did you know Nelson's wife's name? A Yes, sir, that was Eliza, was Aunt Liza we called her.
Q You know whether Mrs. Murrell was any relation to Joe's wife or not? A No, sir, I don't know.
Q You don't know what the relationship was? A No, sir.

Q [illegible] entry? A Yes, sir.
Q [illegible] from yours? A Yes, sir.
Q [illegible]
Q A [illegible] A Well, we could have said down the road [illegible]
Q [illegible] from West Virginia in the spring of 98? A Yes, [illegible] A Not long now after Nelson Murrell had left Kansas [illegible] of the time when he left home but how [illegible] anything at all about it until recently. Q [illegible] think it is any more than [illegible]
Q [illegible] you have any recollection [illegible] or did you have to look it up or talk with your husband or someone else about it? A No on it all. That I know of course I am just telling you what I know.
Q Well, that I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well, just as I am telling it.
Q That was about how long, something over thirty years after they had gone away, wasn't it? A Thirty years.
Q Something over that I say? A Well, now, we had been here, let me see, we have been the spring of of, April, 98, and this is 1902, [illegible] see how long.
Q Well, now, during all that time did you keep it in your mind that they left here in a certain year during a certain year, that I want to know is why and how that was fixed upon your mind that particular date when they left? A Well, I was just thinking how long we had lived there, how long they had worked for [illegible] not positive as to the second year, sir, at all; but [illegible] just remember of seeing the covered wagon [illegible] I knew it was [illegible] I think it was very late in the fall when [illegible] know just exactly, I am not positive as to [illegible] they left just exactly.
Q [illegible] as to the year? A Yes, sir, I am positive of that.
Q When [illegible] did you get there? A The 8th day of this present [illegible]
Q [illegible] seen that man Murrell since that time? A No, sir.
Q [illegible] sir.
Q You [illegible] whether they are the same persons who are applying at this [illegible] commission or not? A I don't know, did you say?
A I don't [illegible] well I presume so.
Q I have not what do you know about it; I don't want to know what you presume, but what you know? A Well, yes, sir, I would say they were the same parties.

MR. LOWRY: Comes now the representative of the Cherokee Nation and moves that this testimony be filed with and made a part of the record in the following cases, for the reason that these parties claim to have returned to the Cherokee Nation after the war along with and at the same time that Nelson Murrell came, as follows: Joe Rose, F. D-542; Jacob Ross, F. D-558; Esau Fox, F. D-508; and Steve Looney, F. D-[illegible]; together with the cases in which the testimony of these last forementioned cases is thrown, which are as follows: D-650, D-85[illegible], D-758, D-825, D-473, D-475, D-544, D-549, D-551, D-799, D-541, D-540, D-543, D-545, D-838, D-547, D-557, and D-621, in addition to the case at bar.

MR. SMITH: The counsel for the applicants objects to this testimony being made a part of the record in any case except in those cases in which the cases have already been connected, because

the statements of the witnesses examined in this particular case today as to the time when Nelson Murrell left Kansas as they claim would not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation; and further, the testimony taken in this particular cause upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

MR. HASTINGS: The record shows that proof of notice to take testimony was had and filed upon the attorneys for the applicants in these five leading cases, being Nelson Murrell, D-648, Joe Ross, D-542, Jacob Ross, D-539, Steve Looney, D-519, and Esau Fox, D-508, and the testimony heretofore taken in these cases and introduced by the applicants themselves is to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came along in the same crowd with Nelson Murrell and Joe Ross, about whom the witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

Arthur G. Cromanger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 18th day of April, 1902.

Notary Public.

C. F. D-548.

To be filed with the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475, D-508, D-537 and D-623.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., APRIL 29, 1902.

In the matter of the application of Nelson Murrell, et al. for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by Mellette & Smith.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Simon Scales.
Q Where do you live, Simon? A At Fort Scott, Kansas.
A Do you know how old you are, Simon? A I do, sir, about, near about it.
Q Well about how old do you think you are? A Going on 61, on the 25th of last March.
Q How long have you been living at Fort Scott, Kansas, Simon?
A Well, sir, near about thirty-one or two or three years.
Q About how long? A Thirty-two or three years, along there.
Q Well did you go there before or after the close of the war?
A After the war, sir.
Q Do you remember that distinctly; you don't know what year, but after the war closed? A Yes, sir.
Q Well after you went to Fort Scott, Kansas, did you get acquainted with a colored fellow by the name of Murrell? A I got slightly acquainted with him.
Q Did you ever know what his first name was? A I disremember.
Q You don't know what his name was? A I forget what his first name was; I got acquainted with him slightly, just passing by him coming in.
Q Did you know where he lived? A No, sir; I never did know where he lived; I know he lived up the river above us a mile or two.

JOHN KILBURN, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A John Kilburn.
Q What is your age? A I will be 56 the 20th of October coming.
Q What is your post-office? A Marmaton, Kansas.
Q How long have you lived near Marmaton, Kansas? A Since '65, since August, '65.
Q You went there after the close of the war, did you? A Yes, sir.
Q Since you went to Kansas did you get acquainted with a colored family by the name of Murrell? A Yes, sir.
Q Do you know what the first name of the man was? A I think his first name slipped my mind. Nelson Murrell, Nelson Murrell I think was his name.
Q Where was he living when you first got acquainted with him?
A On John Todd's place.

Q Where is that from Fort Scott or Marmaton, Kansas, now, how far?
A Well it's a mile and a half west of Marmaton, and about eight miles of Fort Scott.
Q You say he was living on John Todd's place? A Yes,sir.
Q Did he have a family at that time, or do you know? A When I was there, just him and his wife.
Q Well, that's what I mean; was he keeping house? A Yes,sir
Q And lived on John Todd's place? A Yes,sir.
Q What were the circumstances of your getting acquainted with him that you remember him that well? A Why I went there to break prairie for John Todd.
Q They had a man on this place, he was living there? A Yes,sir.
Q Well? A That was the most convenient place that I knowed of, so I stopped the wagon there, and I slept in the wagon and boarded with him.
Q Boarded with them, they cooked for you? A Yes,sir.
Q Now when was that, Mr. Kilburn? A Well I guess that was in '68, it might have been '69.
Q Well did he move away from that country after that, or do you know? A He moved away, but I don't know when. Don't know where he went.
MR. MILLETTE: You simply stopped there with him while you was breaking prairie there? A Yes,sir.
Q Didn't know him very long then, did you? A No,sir.
Q Don't know where he had been before that, do you? A No,sir.
Q Don't know where he went after that? A I don't.
Q Are you certain it was in the year '68? A Well, that or '69.
Q How long did you breal prairie there? A I expect it was a couple of weeks, I disremember.
Q Well now when was your attention first called, when were you first asked about what you knew about this man with a view of your being a witness in this case? A By Mr. Rucker.
Q How long ago? A I guess it's six weeks ago, might have been over that.
Q Then you remembered back thirty-five or forty years and remembered exactly what you seen two weeks when you was breaking prairie? A Yes,sir.
Q You have got a pretty good memory, haven't you? A Why I don't know that I have.
Q Who talked to you about this case first; that gentleman, do you know? A Yes,sir.
Q What's he got to do with this business? A Couldn't tell you.
Q What's his name? A Rucker. C. T. Rucker.
Q Where does he live? A Fort Scott.
Q Is he getting up evidence for the Cherokee Nation up there?
A I ain't positive about that.
Q He was around inquiring of you what you knew, was he? A Yes, sir.
Q What did he say to you? A He wanted to know if I ever knew a man--now as near as I can recollect--if I knew a man by the name of Murrell, a colored man that used to live down there.
Q Did he say he was going about there getting what people knew about these cases? A I don't think he said anything about that.
Q Is he the witness that testified in the Pomp Brown-- Lewis T. brown case a while ago? A I think he did.
Q And he came to you inquiring what you knew about the Wilson Murrell case? A Yes,sir.
Q That he was getting up testimony up there, isn't he? A Well I just inferred that he was, I never heard him say that he was.

Q Can you remember every man that you broke prairie for two weeks thirty-five years ago? A No,sir.
Q Why can you remember this man then? A Well I'll tell you how I know about the time. I had a homestead up there about three miles from this Todd place, and I broke--I was breaking prairie for the man that built my house on that homestead, and then there was a man by the name of Hill and he built the house on the homestead, and then I broke a piece for Mr. Stanley, another neighbor, and then I went to break for Mr. Todd and then I went up with the team, it was about the first team that I ever owned, and I went threshing with another man, hired to him on the threshing machine; that's how I remember.
Q That's the reason that you remember that you met Nelson for two weeks thirty-five years ago? A I know that's why I remember Nelson Murrell, yes,sir.
Q You didn't even remember his first name when you was first asked the question? A I didn't.
Q Have you ever seen him since you saw him there? A I don't remember that I have.
Q Don't know whether he is the man that has applied here or not for enrollment, do you? A I would just say that he was; I don't know anything about it.
Q Never have seen him? A No,sir.
Q All you have heard is that they was asking you about Nelson Murrell? A Yes,sir.
Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.
Q You don't know where Nelson Murrell was in '66, do you?
A I do not.
Q '67? A I don't; let me see; no, I don't know where he was in '67.
Q And you don't know where he was except the time you speak of?
A [illegible]

MR. DAVENPORT: When you was spoken to about what you know about Nelson Murrell by Mr. Rucker there was no inducement offered or no premium to get you to swear anything other than the truth, other than what you knew? A No,sir.
Q Did anybody ask you to swear to anything other than what you knew in regard to the matter? A I don't think they asked me to swear at all; just asked me what I knowed about it.
Q You was then subpoenaed, was you not? A Yes,sir.
Q Was there anything said to you about there being an association for the defense of the Cherokee Nation as against the claimants down here; was there any information given you that there was an organization for the purpose of trying to defeat the claimants?
A I never heard of any organization.
Q You come as any other witness after you had been talked to as to what you knew and then was subpoenaed; you came upon a subpoena after Mr. Rucker had talked to you as to whether you knew Nelson Murrell or not? A Yes,sir.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475 and D-548, the case at bar; also in Cherokee Freedmen cases No. D-508, D-537, and D-621.

C.F.D-548.---4.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of May, 1902.

P. G. Reuter,
Notary Public.

(Notarial Seal)

I, George W. Irwin, stenographer to the Commission to the Five Civilized Tribes, being first duly sworn, state that the foregoing is a true and complete copy of the original transcript in the above case.

George W. Irwin

Subscribed and sworn to before me this 25 day of June, 1902.

P. G. Reuter
Notary Public.

F.D-548.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 15, 190 2.

In the matter of the application of Flora Murrell for the enrollment of herself as a Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicants appear by Thomas Owen, representing Melette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W.W. Hastings.

STEPHEN LITTLE, being first sworn, testified as follows:

MR. HASTINGS: What is your name? A Stephen Little.
Q Where do you live? A Live in Cooweescoowee District of the Cherokee Nation.
Q. Well give me your postoffice? A. Lenapah.
Q. What is your age? A Going on 77.
Q. Do you know Flora Murrell? A I do.
Q. Is she the wife of Nelson? A Wife of Nelson Murrell, she wasn't when I first knew her.
Q Well when you first knew her who was she the wife of? A A man by the name of Vann, I think they called him.
Q. Well what was his first name? A. Well I forget his first name.
Q Well do you know it was Lowen? A Lowen Vann.
Q Where were you living when you first knew Lowen Vann and Flora his wife? A I was living on Snow Creek.
Q.On Snow Creek? A Yes sir.
Q. After the war? A After the war, yes sir.
Q. How long had you been living there after the war when they move into that neighborhood? A Oh I had been there a very little while, I had been there I think four or five or six years, I know I had been there five years.
Q.You know you had been there five years? A I know I had been there five years.
Q. Did they have any children? I think they had five or six.
Q.Do you know any of their names? A Yes, sir, there was Sonny, and Charley and Florence, I know them, and another called Lila.
. Did you know Lowen Vann well? AKnow him well?
Q.Yes. A Oh, yes, sir, knew him well as I knew anybody.
Q. Did you ever talk to him about where he had been? A Never had any particular talk as I know of about where he had been, but I heard him say he had been to Mexico and he and I talked Mexican some together.
Q. You and he talked the Mexican language together? AYes sir, Mexican language.
Q Said he had been to Mexico? AYes, sir.
Q Did he say what part of Mexico he had been in? A I don't know, if he did I don't remember.it.
Q. Well he talked the Mexican language did he? A Yes sir, good.
Q He was the husband of Flora Murrell? A At that time, yes sir.
Q The father of Charley Vann? A Yes sir, I suppose so.
Q. You didn't know him before the war? A No sir.
Q He talked the Mexican language did he. A Yes, sir.
Q You talked it? A He talked it and I talked it.
MR. OWEN: When was that that you knew him? A When he lived up on Snow Creek.
Q.Row was that? A When I lived up on Snow Creek there.
Q. I say when was that? A Well it was sometime in sixty- I think

that must have been sometime in '70 along there.
Q Well why do you think it was in '70? A Because the time I moved there-
Q Well is there anything special that makes you think it was in '70?
A Yes sir something special.
Q What was it? A I had planted some apple trees, and I put them out first, and I know it must have been three or four or five years and that time they was bearing apples.
Q And they had just begun bearing apples? A Just begun to bear apples.
Q When you was talking with him? A Yes sir.
Q You put them out when you first went there, did you? A The first year after I went there.
Q You went there in '60? A Yes sir.
Q You put out your apple trees in '61. A '66 I went there.
Q You went in '66 so the Cherokees says, I went there in '66, that's the reason I am here to-day.
Q You have proved already before the Commission that you was there in '66 have you? A I didn't have that to prove, they all knew it.
Q Your neighbors knew that? A Yes sir.
Q What month did you go there in? A Me ?
AQ Yes you? A In April.
Q April 1866? A Yes sir.
Q Where did you come from? A I went from Leavenworth, Kansas.
Q When did you go to Mexico? A Never have been there.
Q How did you learn the Mexican language? A My boss always kept Mexicans at our house, he would trade them, and I heard them talking the language, and I learned it.
Q You learned it without going to Mexico? A Yes sir .
Q This other fellow that you testify about talked with you, Mexican
A Yes, sir, that Lowen did.
Q Didn't you say a while ago in your cross examination that you went there in '60? A Went where.
Q Where you live? A '66.
Q How old was them apple trees when you put them out? A Oh I don't know how old they was, I expect they were two years old or something like.
Q Two years old when you put them out? A I expect so .
Q And they was just beginning to bear? A Bearing when they came there.
Q When you first got acquainted with him? A Yes sir.
Q How long had he lived there in that community before you met him?
A Before I met him, why he didn 't live there long because he came there across the river from where I was, and I heard that some of his kin folks had come, and they was backwards and forth across the river there every day or two, see him.
Q He hadn't been there long before you met him? A No sir.
Q How long was it before you found out that he could talk Mexican?
A Oh I couldn't tell you, he was a Catholic and I was a Catholic, and we got to talking, and then he would let me know that he could talk Mexican.
Q Could you learn Mexican in that day and time without going to Mexico? A Well he could, couldn't he?
Q Well you learned it without going there didn't you ? A Yes sir.
Q Do you know anybody else that did? A Yes, sir, hundreds.
Q Lots of them learned Mexican without going to Mexico? A Hundreds, right where I was a man has all black folks could speak Mexican.
Q The fact that a mancould talk Mexican wasn't much of a sign that he had been to Mexico? A Not much, no, sir.
Mr.HASTINGS: You heard him say that he had been to Mexico and you learned Mexican up there around- A Up there about Independence, Missouri.

Q. Up there where they talked Mexican? A They would come there in the first of fall and stay until cold weather and go away and they wouldn't stay with the white folks, and that's the reason.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-550, D-552, D-758, D-923, D-473, D-475, and D-548, the case at bar.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 20th day of May, 1902.

(Signed) P. G. Reuter.
Notary Public.

(SEAL)

M. E. Kaufman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the above copy which is a true and correct copy of the original transcript in the above case.

M. E. Kaufman

Subscribed and sworn to before me this 7th day of July 1902.

P. G. Reuter
NOTARY PUBLIC

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 28, 1902.

In the matter of the application of Emma Powell for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-475.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

DANIEL SANDERS, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Daniel Sanders.
Q Where do you live? A Big Creek.
Q How old are you, Mr. Sanders? A About 59 years old.
Q Are you a freedman? A Yes, sir.
Q Recognized Freedman? A Yes, sir.
Q Did you know Emma Powell? A Yes, sir.
Q Well did you know her father? A Yes, sir.
Q What was his name? A Ben Alberty.
Q When did you first become acquainted with him? A In the spring of '67.
Q Who did Ben belong to or do you know, just incidentally? A I don't know which one of the Albertys.
Q Well do you know what became of them during the war? A No, I don't know that.
Q Do you know when he first came back with his family after the war? A I saw him along about the first of April, '67; he was living on Snow Creek.
Q Well do you mean you saw them there in '67 on Snow Creek? A Yes, sir.
Q Well do you know how long they had been living there then; that's the first time you had seen them? A That's the first time I had seen them.
Q Well they had a place there and lived there? A Yes, sir.
Q Lived in a house? A Yes, sir.
Q Well now who was his family, what did his family consist of? A Well I think there were three or four children; I don't know just exactly.
Q How long did he live there? A Lived there till he died.
Q Well how long did that take? A Oh, I don't remember what year it was he died.
Q Well what became of Emma; was Emma, you say was his daughter; about how old was Emma at the time you first knew her? A She was a small girl.
Q What became of her? A She married a fellow by the name of Long.
Q Did she continue to live there? A Yes, sir, lived right there.
Q Who was Long; where did he live? A Over there on Snow Creek.
Q Did she afterwards-what became of Long, do you know? A I think he died.
Q Then who did she marry? A This man Powell.
Q And where did she continue to live? A Over on Snow Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know whether she is still alive or not, Tack? A No, sir, she's dead.

Q When did she die? A I don't just really know; I never kept the dates of it; seven or eight months.
Q Has it been this year; in the last few months; or what is your recollection? A I never kept no account of it; I wasn't home when she died, and never kept no count of it.
Q Has she died since the Commission made its round about a year ago? A I think so.
Q Well what was there about the place where this man was living when you saw him in the spring of '67? A Why he had a log-house, you might say, a good-sized pole house, and a little field, and a horse lot and a cow lot.
Q Did he have any crop? A Yes, sir, he had a grain crop, about seven or eight acres of land up on Snow Creek.
MR. HASTINGS: Where were you going, Dan, when you saw him? A I was going to a little place called Claremore.
Q How long had you been in there yourself? A I had been there a good while.
Q How long had your mother and the women folks been there? A Quite a little while.
Q Do you remember them searching your wagons away up there near Fort Scott for Eli Mackey? A Nobody ever searched a wagon of mine.
Q Did they search anybody else along in your crowd? A Don't know anything of it.
Q Don't know anything about that? A No, sir.
Q You never heard of it before, did you? A Not until I have got here in the last day or two.
Q You have heard it around here the last day or two? A Yes, sir.
Q These colored fellows have been telling you? A I just heard that there was such a statement, but I never knew anything of it until now.
Q Then you heard of it the last day or two? A Yes, sir, I don't know who told me.
Q You never saw these parties until April of '67? A No, sir.

REUBEN SANDERS, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Reuben Sanders.
Q What's your postoffice, Mr. Sanders? A Centralia, I. T.
Q How old are you? A Well I generally guess at it, I don't know it.
Q Well guess at it? A I am something near about 50.
Q Well are you acquainted with or were you acquainted with Emma Powell in her life time? A Yes, sir.
Q When did she die, Reuben? A She died last March.
Q March, 1902? A Yes, sir.
Q This year? A 1902, yes, sir.
Q Did you know her father? A Yes, sir.
Q What was his name? A Ben Alberty.
Q Where did he live? A He lived on Snow Creek.
Q When did you first know of him on Snow Creek, first see him on Snow Creek after the war? A It was along in the spring of '67, when I first seen him after the war.
Q Was that the first time you saw him at all anywhere in the Cherokee Nation after the war? A Yes, sir, it was the first time I saw him in the Cherokee Nation after the war, but the first time I saw him it was along in the last part of '65 or '66.
Q Well where was he then? A He was ~~[illegible]~~ there-I and his children was going to school together, we lived in about something like 25 or 30

yards apart in Fort Scott, Kansas, and he come there and got his children; come in here for the Nation.
Q Well when you was down to his place in the summer of '67 did he have his family there? A Yes, sir, he and his children were living there.
Q Well who were his children? A Emma, and one they called Charlotte, and another one they called Ben, and one they called Bill, and the other ones I don't recollect their names.
Q What became of Emma? A She died.
Q This Emma Powell is the one that died recently? A Yes, sir.
Q Did she grow up there? A Yes, sir, she grew up on Snow Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Who did she marry? A Married this gentleman by the name of Powell; he wasn't her first husband though.
Q Well who was Charlotte; what became of Charlotte? A She was a sister or half sister.
Q She was Emma's sister? A Yes, sir.
Q She one of Ben's children? A Well I didn't know whether she was or not, but it was my impression that she was; I didn't, never did know.
Q Well did she grow up there in the country too? A Yes, sir, she grew up there in the country.
Q In the Cherokee Nation? A Yes, sir.
Q Did she marry? A Yes, sir.
Q Who did she marry? A The first man that she married was Dawson.
Q Who? A Dawson, and the next one to my knowledge was French.
Q What became of Dawson, did he die? A Yes, sir.
Q What French was it she married? Q Wash.
Q Wash French? A Yes, sir.
Q Well where does she live now, she and Wash? A She lives on the Verdigris.
Q Well where is that, in the Cherokee Nation? A In the Cherokee Nation.
Q What did that man, Ben Alberty, have down there where you saw him in '67; did he have a place? A Yes, sir, he had a pole house, a house made out of poles, and he had a little field, and lived on the north west of Snow Creek, on the yon side, and he had a little field north of the house, and he had, of course he was poorly fixed at that time, he slept in his house in a drygoods box and some hay and had some quilts.
Q Have any crop? A Sir?
Q Did he have any crop there? A He had a little corn, wasn't very large.

MR. HASTINGS: You testified twice in the Elizabeth Meigs case didn't you? You testified and then you wasn't satisfied with your testimony, and you made another statement, didn't you?

MR. SMITH: That is objected to because it has no reference to this case and does not tend to prove any issue in this case.

COMMISSION: Let him answer the question.

Witness? Yes, sir, I testified.

MR. HASTINGS: You testified first that you came back to this country about the last of January of '67, and then you thought you had made a mistake, and went back and testified that you came back the middle of January of '67? A Here's what I stated at that time; that was my impression, and the reason why I correct my mistake was that I said I came here in January, '66.
Q January of '66? A Yes, sir, that was what I was intending to correct. I said we moved here in January, '66, that was my intention, that was my reason why I asked to correct my statement.
Q Well did you want to correct it to January of '67? A You see we

taken our claims in August, '66.
Q And when did you move here? A In January. January '66 was before August of '66.
Q Well when did you move here? A Well in my statement I said=
Q Well I am not talking about your statement. A In my statement I said when I first started we moved here=
Q When did you move your family? A I told you we come three times.
Q Tell me when you moved your family here; answer that question?
A I said along '67, moved them January, '67.
Q That's when the women came along? A The women came along, and I first told you the women came along.
Q Did you say that in the Elizabeth Meigs case? A I didn't tell it in the Elizabeth Meigs case, that is at that time.
Q Didn't you testify that you brought your families along with you, that you came here in January of '67? A I said that's when Elizabeth Meigs moved, when Elizabeth Meigs moved, but I didn't say that we didn't have no women when I come in August.
Q You didn't? A No, sir, I didn't.
Q Well didn't you swear that at that time that they were searching parties out searching for Eli Mackey, who had killed a man by the name of Hayford? A Yes, sir, I made some statement in regards to that.
Q Well they were searching your wagon? A I don't know as they searched our wagon particularly.
Q Well weren't there searching parties out? A I didn't make the statement that they searched our wagon.
Q Didn't make any statement that they searched your wagon; well there were searching parties out for Eli Mackey at that time, wasn't there? A Does that have anything to do with this case?
Q Answer the question. A There was searching parties out for Eli Mackey at some time, I recollect.
Q That was then you was coming down here, wasn't it? A Well that may have been when we were coming down.
Q Well you know that there was searching parties out for Eli Mackey? A Yes, sir.
Q The man that killed Hayford; where did this searching party overtake you people?
MR. SMITH: I object to that because there are two questions.
Witness: I don't know which one to answer. The searching parties overtook us in the Nation.
MR. HASTINGS: Where? A Down here across on Big Creek, near about.
Q Near about Big Creek? A Yes, sir.
Q Was your brother Dan Sanders along? A Yes, sir, he was along.
Q Your father was along? A Yes, sir.
Q About how many people were along in that party that come along and searched? A I told you in my statement that I didn't know the people that came along in that party.
Q About how many was there along in the searching party, the people that were looking for Eli Mackey? A There was only one man.
Q There was only one man? A Yes, sir, one man that I know of.
Q Only one man? A Yes, sir, that said he was searching.
Q Said he was searching? A That's what we thought at least.
Q How many people were along with you at that time? A I told you in my statement that I didn't know just how many people was along with us at that time.
Q Well now was it after thisthat you saw this Ben Alberty up on Snow Creek? A Yes, sir, it was in '67 when I saw Ben Alberty on Snow Creek.

Q You never saw him in the Cherokee Nation until '67? A No, sir.
Q Well now how long after this searching party was it till you saw Ben Alberty? A It was along in the spring, I said when I came down here in the spring of '67.
Q About how many months after this that you moved down now, and that this searching party was along, until you saw Ben Alberty?
A I don't know just how many months.
Q Well about how many, your best judgment? A My judgment was along in about April when we saw Ben Alberty.
Q I want to know how many months after you moved down here with that crowd of people; that's what I am trying to get from you?
MR. SMITH: I object to that because it is already answered.
COMMISSION: Answer his question again if you can.
Witness: I answered your question when I told you it was along near about April when I saw Mr. Alberty.
MR. HASTINGS: That ain't the kind of an answer I want; I want to know how long after you came down with your family it was till you saw Ben Alberty? A I say it was along in about April,
Q Well was it one month, two months or fourmmmths?
COMMISSION: Do you know how long after it was; have you any idea how long it was.
Witness: April made at least=
COMMISSION: Just tell him to the best of your knowledge.
Witness: Well that would have been near about two months.
MR. HASTINGS: Near about two months? A Near about that, yes, sir.
Q Well then you were here about the first of March, were you, and you saw him in April, is that correct? A That wouldn't be correct according to the way you have got it.
Q Well according to the way now that you want it how was it? A The way I want it I say it was along in April when I saw Uncle Ben.
Q Well now you say that was about two months after you come? A About two months after I come? I say we come down here in January.
Q Well about how long was it then after you come till you saw Uncle Ben? A Be January and February and March and April would have been something near about two months.
Q About two months? A Yes, sir, a little over two months maybe, the way I have got it, along in April, that's the way I have got it.
Q What time in April was it you saw him up there? A Well, just the day of the month I never put it down.
Q How old are you? A I haven't got that down either.
Q Well, don't you have any idea? A Well I stated a while ago that I was near about fifty. Uncle Ben had a field north of his house and had some logs, had built a log house.
Q You was very clear when you was being examined in the Elizabeth Meigs case, and you volunteered yourself to tell about this searching party, weren't you; haven't you been talking to the people since you have been here? A No, sir.
Q None of them told you? A Ask them, some of them, ask them.
Q Have you, you are under oath now? A These people ain't talked to me about it.
COMMISSION: Answer his question.
Witness: No, sir, they ain't.
MR. HASTINGS: You never heard nothing said, did you? A No, sir.
Q You come with your brother Dan? A When?
Q When you came down here? A No, sir.
Q You didn't come with him? A No, sir.
Q Been with him any since you have been here? A Yes, sir, I have been with him a little.
MR. SMITH: Reuben, you have been called on to testify for the

Cherokee Nation in about as many applications against as many applicants as you have for them, haven't you? A Yes, sir, I have.

MR. HASTINGS: And the Cherokee Nation tried to get you here as a witness the other day and paid your fare to get you to come down here and you refused to do it didn't you? A They didn't pay my fare.

Q Didn't they offer you the money? A No, sir, they didn't offer.

Q Didn't they serve a subpoena too? A No, sir, they never offered me no money.

Q And you wouldn't come would you? A Why you didn't give me the money to come on.

Q Well did you come? A Yes, sir, I come.

Q In obedience to that subpoena? A I am here now.

Q Were you subpoenaed to be here today by the Cherokee Nation? A I guess I was subpoenaed to be here today by the Cherokee Nation.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: Frank Love, D-479, John Baldridge, Jr., D-480, William Love, D-479, Nettie Powell, D-478, and in the case of Sarah Robinson, D-476, also in the case of Charlotte French, D-1012, as well as in the case at bar, the same being that of Emma Powell, No. D-475.

Arthur G. Droninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Droninger

Subscribed and sworn to before me this 11th day of July, 1902.

Notary Public.

[illegible] that proceedings would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this ruling was [illegible] May, 1902, we say that under the minutes of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission and that no extension should be granted in any case and no [illegible] unless there is some special and particular reason shown [illegible] the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission

The law provides that roll of Cherokee freedmen should be made in [illegible] with the decree [illegible] rendered the [illegible] day of February, 1902, and the Commission must take judicial notice of the judgment roll of said Court, or the proceedings [illegible] the motion of the attorney for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. O. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. O. Foster,
(SEAL) Notary Public.

I, E. O. Rogers, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. O. Rogers

Subscribed and sworn to before me this July 29, 1902.

P. O. Foster
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mollette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Emma Powell, D 475;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

(C O P Y)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Esau Fox, et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

Esau Fox, et al.,	Cherokee Freedmen D 508,
Tobe Looney,	Cherokee Freedmen D 512,
Eliza Looney,	Cherokee Freedmen D 537
Frank Looney	Cherokee Freedmen D 538
Joe Ross et al.,	Cherokee Freedmen D 542
Phillis Alexander, et al.,	Cherokee Freedmen D 544
Nelson Murrell, et al	Cherokee Freedmen D 548
Lewis Ross,	Cherokee Freedmen D 549
Allen Looney, et al.,	Cherokee Freedmen D 551
Jake Looney, et al.,	Cherokee Freedmen D 573
David Ross, et al.,	Cherokee Freedmen D 999
Steve Looney et al.,	Cherokee Freedmen D 519,
Chaney Ross,	Cherokee Freedmen D 547
Emma Brown, et al.	Cherokee Freedmen D 847
Maggie Willis, et al.,	Cherokee Freedmen D 936

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission as follows, by Esau Fox for himself, his wife, Nancy, and his minor children, Ollie Fox (now Ollie Gibson), Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox and Mary Fox. A Marriage license and certificate having been filed with the Commission subsequent to said application showing the marriage of said Ollie Fox to one Posey Gibson, she willl now be listed for enrollment as Ollie Gibson. Subsequent to said application, an affidavit was filed showing the birth of Leever Gibson, minor child of Ollie Gibson, and the same is made a part of the record herein. By Emily Looney for her husband, Tobe Looney, as a Cherokee Freedman, and for herself as a Cherokee Freedman by intermarriage. By Eliza Looney for herself and her husband, Frank Looney. By Joe Ross for himself and his two grandsons, Irving G. Looney and John Shadd. By Phillis Alexander for herself and her four minor children, Luther J., Vessie, Ezra and Ermer Alexander. By Nelson Murrell for himself and his wife, Flora Murrell. By Lewis Ross for himself. By Allen Looney for himself and his two minor children, Alice and Bert Looney. By Jake Looney for himself as a Cherokee freedman, and for his wife, Freddie Looney, as a Cherokee freedman by intermarriage. By David Ross for himself and his minor children, Joseph, Harry, Herbert, Vernie, Nelson, Alva and John H. Ross as Cherokee freedmen , and for his wife, Mary Ross, as a Cherokee freedman by intermarriage. By Steve Looney for himself and his wife , Peggy Looney. By Chaney Ross for herself. By Emma Brown for herself and her minor son, Steve Willis. By Maggie Willis for herself and her minor son, Lloyd Willis. The status of persons applying for enrollment as Cherokee freedmen by intermarriage not being fixed at this time, the applications for the enrollment of Emily Looney, Freddie Looney and Mary Ross as such, will not be considered or passed upon in the

decision. Copies of the testimony taken at various times in the matter of the applications of Daniel Thompson, et al., Rufus Ross Elizabeth Meigs, Samuel Beck and Emma McAwee, et al., have been filed herewith and are made a part of the record herein.

The evidence shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross, claim for themselves as former slaves of Cherokee citizens, the right to enrollment, and for the above named children and grandchildren, including in their respective applications, as their descendants; that Elisa Looney is a descendant of said Esau and Nancy Fox; that Frank Looney and Jake Looney are the descendants of Tobe Looney; that Phillis Alexander and her minor children are the descendants of said Joe Ross; that Emma Brown and Maggie Willis, together with their children, are the descendants of said Chaney Ross. All of said applicants, claiming by descent, were born since the commencement of the rebellion, and it is not shown that they have any rights as Cherokee freedmen, other than as such descendants.

The evidence further shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross, were slaves of Cherokee citizens at the commencement of the rebellion; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion and did not return thereto and take up their residence therein, until after February 11, 1867. None of the applicants herein are identified on the 1880 authenticated Cherokee roll.

The evidence further shows that Flora Murrell was residing in the Cherokee Nation at the date of the making of the Cherokee treaty of 1866, and has continued to reside therein from that time, up to and including the date of her application herein.

It is, therefore, the opinion of this Commission that Flora Murrell should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats. 495); and that the applications for the enrollment of Esau Fox, Nancy Fox, Ollie Gibson, nee Fox, Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox, Mary Fox, LeeverGibson, Tobe Looney, Eliza Looney, Frank Looney, Joe Ross, Irving G. Looney, John Shadd, Phillis Alexander, Luther J. Alexander, Vessie Alexander, Ezra Alexander, Ermer Alexander, Nelson Murrell, Lewis Ross, Allen Looney, Alice Looney, Bert Looney, Jake Loone, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Vernie Ross, Nelson Ross, Alva Ross, John H. Ross, Steve Looney, Peggy Looney, Chaney Ross, Emma Brown, Steve Willis, Maggie Willis and Lloyd Willis as Cherokee freedmen, should be denied, under the provisions of section twenty-one of said act of Congress and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman

" " T.B. Needles,
Commissioner

" " C.R. Breckinridge
Commissioner

" " W.E Stanley
Commissioner

Dated at Muskogee, Indian Territory

this March 5, 1904.

Cherokee Freedmen D-475

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., December 22, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Emma Powell, et al., as Cherokee Freed men.

On December 1, 1904, Larkin Powell, husband of Emma Powell, deceased, was notified by registered mail, and on December 3, 1904, the attorneys for the Cherokee Nation were notifie by letter, that the application for the enrollment of Emma Powell and her minor children, as Cherokee freedmen, would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 22nd day of December, 1904, at which time both the applicant and the attorneys for the Cherokee Nation would be given an opportunity to introduce any testimony they might desire affecti - said application, at which time the case would be taken up for final consideration.

Now on this 22nd day of December, 1904, this cause coming on to be heard pursuant to said notice , said applicant being called fails to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits th's case upon the evidence now of record.

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Opal Griggs, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 22nd day of December, 1904, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Opal Griggs

Subscribed and sworn to before me this 30th day of December 1904.

Charles H. Sawyer
Notary Public.

Cherokee Freedman 1012.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, DECEMBER 23RD, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Charlotte French, as a Cherokee Freedman.

It appears from the record herein that on December 1, 1904, the applicant, Charlotte French, was notified by register letter and on the 3rd day of December, 1904, the attorneys for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 23, 1904, and introduce testimony touching the applicants right to enroll, at which time this case will be taken up for final hearing. On this 22nd day of December, 1904, the applicant appeared by her attorneys, Blue & Bulger, the Cherokee Nation by its attorneys Bell, Hastings & Davenport.

Aaron Whitmire being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Aaron Whitmire.
Q How old are you? A 69
Q What is your postoffice? A Coody's Bluff, Indian Territory.
Q How far is Coody's Bluff from the Verdegris River?
A Half a mile.
Q How far do you live from Lightening Creek? A I live three miles from Lightening Creek.
Q What direction? A West.
Q Do you live in the Cooweescoowee District? A Yes, sir.
Q How far north of Chelsea do you live? A About four miles.
Q Have you lived in that vicinity ever since you came there after the war? A Yes, sir.
Q Are you living on the same place you originally settled? A Yes right on the same place.
Q How far is Big Creek from where you live? A Well it is about eight miles.
Q Does Big Creek flow into the Verdegris River? A Yes, sir.
Q And about eight miles from where you live? A No, it haint that far, the water flows in the river about four miles from where I live.
Q What direction is it from where it flows in the Verdegris River?
A Northwest.
Q Does Snow Creek empty in the Verdegris River north of where you live? A Yes, sir.
Q Between where you live and the Kansas line? A Yes, sir.
Q There are at present a great many colored people living on the Verdegris River, Big Creek and Snow Creek? A There are a great many living there.
Q Were you a slave before the war? A Yes, sir.
Q Where did you live? A I lived in Goingsnake.
Q Are you a brother of Louis Whitmire? A Yes, sir.
Q Are you a brother of Mose Whitmire? A Yes, sir.
Q You knew them of course before the war? A Yes, sir before the war.
Q Did you know them and were with them during the war? A Yes sir

Q Where did you go during the war? A I went to Fort Scott, Kansas.
Q Were you in the army? A I wasn't exactly in the army, I was working for the government though blacksmithing.
Q Did your other brothers also work in the army? A They drove teams.
Q Did you know old Sam and young Sam Webber before the war?
A I knew the old man before the war.
Q When did you get acquainted with young Sam? A In time of the war.
Q In the state of Kansas? A Yes, sir.
Q Did you know Mike, Sam, Ruben and Dan Sanders? A Yes, sir.
Q Did you know them during the war? A Yes, sir.
Q Where? A Fort Scott.Kansas.
Q Well at the time the war closed where were you and all of these other parties, including your brothers, Sanders and the Webbers when the war closed? A Fort Scott, Kansas.
Q You are a recognized and enrolled Cherokee Freedman, are you not? A Yes, sir.
Q When did you make the first trip to the Cherokee Nation after the close of the war? A I made the first trip in August, 1866,
Q In August, 1866? A Yes, sir.
Q Well now who came along with you in August, 1866? A Well the old man Sanders.
Q What was Sander's name? A Mike Sanders.
Q Was he the father of Ruben and Dan? A Yes, sir.
Q Who else came with you? A Old man Webber, old man Sam Webber, old man Billie Foreman, Peter Meigs, Mose Whitmire, Nelson Whitmire, Louis Whitmire and Dennis Whitmire.
Q Where did you go? A We come to Big Creek.
Q How long did you stay on Big Creek? A We stayed there two or three weeks, I don't just recollect, I don't know how long, some two or three weeks.
Q Did any women or children come with you at all on that first trip? A No, sir.
Q Where did you go down Kansas and enter the Territory , at what point? A We come right to Oswego and out to where Chetopa is now and turned west and went to Big Creek.
Q And then come down Big Creek? A Yes, sir.
Q Was there a single house anywhere in the Cherokee Nation along Big Creek at that time? A There wasn't nary one for a mile on Big Creek.
Q Was there anyone living on Big Creek in the Cherokee Nation at that time? A No, sir.
Q Was anybody living on Snow Creek at that time? A No, sir.
Q Did you see anybody living on the Verdigris river at that time?
A Yes there was somebody living along the river, along the Verdigris
Q Who? A Old man Riley.
Q Was he a Cherokee? A He was a Cherokee, and Carter, he was a Cherokee and John Coker, he was a Cherokee.
Q Well were there any colored people on the Verdigris river at that time? A No, not that I seen.
Q You stayed around then in that country some two or three weeks?
A Yes, sir.
Q Well what did you do then? A We went back to Fort Scott.
Q That was the first trip that was made by any of the colored people up there, so far as you know, to the Cherokee Nation after the war? A Yes, sir.

Q That was what was said at the time? A I know that was what they said, there may have been a few come before that and went the other way by Granville.
Q Well now when was the second trip made. A That was made in December sometime.
Q Of 1866? A Yes.
Q Now who came with you on the second trip? A Ransom Daniels, Solomon Foster, Dick Whitmire.
Q Was that old man Dick Whitmire? A Yes sir, and Sam Beck.
Q Were there any Creeks or Choctaws? A Some Creeks and Choctaws.
Q What became of them? A They went on down.
Q Into their own country? A Yes, sir.
Q Well did you go over practically the same country the second trip that you did over the first? A We didn't go over all the same country, we went over some of it, we done a little work.
Q Well at that time were there any colored people living in any of that part of the country known as Big Creek and Snow Creek country and the Verdegris River? A No, sir.
Q What work did you do in August, 1866? A Put up some houses.
Q Just put up the logs? A Yes, sir.
Q What didyou cover them with? A We covered two or three of them, two I believe.
Q Covered you think about two of them? A Yes, sir.
Q But the rest were just the bodies of the houses? A Yes, sir.
Q You didn't put in any fields at that time? A No, sir.
Q Well when you came back in December you come to these same places where you had started your claims before? A Yes, sir.
Q Well how long did you stay there in December, '66? A I stayed there about four days.
Q Where did you go then? A I come to Fort Gibson from there.
Q Where did you go from Fort Gibson? A Goingsnake.
Q What became of those who were with you? A They went back to Fort Scott, Kansas.
Q After going to Goingsnake did you return to Kansas or Fort Gibson? A Yes, sir.
Q About what time of the year did you go back to Kansas? A It was near Christmas time, I don't just recollect what time.
Q Do you remember of the circumstances of Dyer Hayford being killed? A Yes, sir.
Q Did you know Hayford? A Yes, sir.
Q Where were you when he was killed? A Fort Gibson or Tahlequah.
Q On this second trip? A Yes, sir.
Q He was killed when you returned? A Yes, sir.
Q Did you know Eli Lukey, a colored fellow, who killed him? A Yes, sir.
Q Now did any women or children go with you to the Cherokee Nation on this second trip? A No, sir, none at all.
Q Well when did you return to the Cherokee Nation finally the third time? A It must have been in March sometime.
Q The following March of '67? A Yes, sir.
Q Well who came with you that time? A Well Sanders, old man Sanders, Mike Sanders, Peter Meigs, Billie Foreman, Tuck Sanders Ruben Sanders.
Q Well did Louis Whitmire come with you that time? A No, he didn't go that time.
Q Where was he? A Fort Scott.
Q Did Dennis come that time? A No, sir.

D Did this preacher, Joe Ross, come that time? A No, sir.
Q Well did Sam Webber come that time? A No, sir, Sam didn't go.
Q Well how long after you come before Sam moved down here?
A A couple of weeks I guess, may be not wuite so long, a short time.
Q Do you remember the circumstances as you were leaving to come here about Eli Mackey going to jail for the murder of Dyer Hayworth and there being considerable excitement when you passed through? A Yes, sir.
Q Were the Sanders boys along on that trip? A Yes, sir.
Q And you say now that Sam Webber didn't bring his family when you came but a couple of weeks after? A Yes, sir.
Q Well now when you did move your families down to where you located were there any colored people living in that part of the country? A None that I know of.
Q Were there any on the Verdegris river or the Lightening Creek country or the Snow Creek or Big Creek country? A None that I ever heard of or seen and I traveled a good deal through the country.
Q Where did you do your trading when you first came from Oswego?
A At old Parker some.
Q Now in order to go to Oswego you had to go from your place north up from Big Creek and Snow Creek country? A Yes, sir, had to go north.
Q There were no fields there in '66? A None at all.
Q Wasn't no corn planted or crops raised that year? A No, sir.
Q Did you plant some crops in '67? A Yes, sir we had crops in in '67.
Q But before that none were put in by the colored people at all?
A Not that I know of.
Q Well do you know Ben Alberty? A Yes, sir I knew Ben before the war.
Q Did you know him after the war? A I never seen him but once after the war that I know of.
Q Well did you know before the war that he located on the mouth of Snow Creek? A Yes, I knew about the place.
Q Well was he living there when you moved down here in March of '67? A No, sir.
Q Well now how long after that that Ben Alberty moved down in the Cherokee Nation? A It must have been sometime in '68, nearly '69, somewheres along there.
Q You know John Landrum? A Yes, sir, I know Jack Landrum.
Q Well now when did Jack move his family down here? A Well I don't recollect just what time Jack did move there.
Q It was after you moved there? A Yes, sir.
Q He wasn't living there in '66? A No, sir.
Q Did you know him in Kansas? A No, I never saw Jack in Kansas at all.
Q Did he marry some relation of yours? A Yes a sister.
Q Were they married in Kansas or in this country ? A In Kansas.
Q After the war? A Yes, sir.
Q Were they married when you left there with your family?
A Before that, before I left.
Q But he didn't move down with his wife until after you came down?
A No, sir.
Q How long was it after you moved down the third time until Jack came? A It must have been in '68, somewheres along there when they come to where I lived.
Q Well how far did they settle from you? A About three miles.
Q then there was no women or children come on any of these trips

until you moved down in March '67? A No, sir, not until we moved.
Q You are the same man who is known as Aaron Whitmire who testified before the Chamber Court in '78? A Yes, sir.
Q And Louis Whitmire and Moses Whitmire who were admitted to that Court were your brothers? A Yes, sir.
Q You at that time had for your witnesses Blue Alberty, William McCracken and others, did you not? A Yes, sir.
Q You stated in your application at that time, and your witnesses stated for you the same facts that you stated here, to-wit; that you returned with your family and moved down here in the spring of '67? A Yes, sir.
Q That is all true, is it not? A Yes sir, that is the truth.
Q Well now Sam Webber never moved down here until the spring of 1867? A No, sir.
Q And young Sam didn't come with his wife until August, '66?
Q Yes, he come in '66 with his father.
Q Did he go back? A He went back, yes sir.
Q Did he go back in December of '66? A I don't recollect now whether young Sam was along in December or not.
Q But you remember distinctly that he moved down here some two or three weeks after you did? A Yes, sir.
Q How far did the Webbers settle from you when they came down in the spring of '67? A It is about six or seven miles from where I live.
Q You knew them well did you? A Yes, sir.
Q Did you seen them in Kansas before the war and before you moved down here? A Yes, sir.
Q About how far did they live from you in Kansas? A About 20 miles I think.
Q Did you live in the town of Fort Scott? A Yes sir, I worked there in town.
Q Blacksmithing? A Yes, sir.
Q I believe you stated that you knew Dyer Hayford, what was his business? A He had a grocery store, sold groceries all the time.
Q Did you buy goods from him? A Yes, sir.
Q You stated that you knew Eli Mackey? A Yes, sir.
Q William McCracken says he met you in December, 1866, in December before the Chambers Court, did you meet him that year? A Yes, sir.
Q Were your brothers with you? A No, they wasn't with me then, I left them on the Verdegris River, I met McCracken down at Fort Gibson.
Q Did you tell him where you were going? A Yes, sir.
Q What did you say? A Told him I was going to Coingsnake.
Q As I understand you you went to Coingsnake by the way of Tahlequah and came back by the way of Fort Gibson and then went to Kansas and got back to Kansas sometime during Christmas week?
A Yes, sir.
Q Which was after Hayford was killed? A That was after Hayford was killed.

BY THE COMMISSION:
During the war, Mr. Whitmire, you colored people settled in Fort Scott in the same neighborhood, did you? A Not exactly.
Q Well you knew one another quite well? A Yes we knew one another
Q Refugees from the Territory who had gone out during the war?
A Yes, sir.
Q You were acquainted reasonably well were you not, with all of the [illegible] who came down in that first crowd in August of '66?
A Well Yes, sir.
Q You knew all the parties in that crowd? A Yes, sir.

Did you give all the names of those you can remember in response to Mr. Fasting's questions? A All I can remember, yes sir.
Q What was your purpose in coming that first trip, Mr. Whitmire?
A Come to make homes.
Q You come down to build some houses? A Yes, sir.
Q How did you go to the territory, wagons or horseback?
A Come in wagons.
Q What kind of teams did you have? A Some had mules, some horses and some oxen.
Q Did you have a family at that time? A Yes, sir.
Q A wife and some children? A Yes, sir.
Q But you left them in Fort Scott? A Yes, sir.
Q It was the understanding, was it, that you people were to come here and start some houses before going back to Kansas for your families? A Yes, sir.
Q Who did your cooking on that trip? A Well the boys done the cooking.
Q Did you bring along any women at that time to do the cooking?
A No, sir.
Q You are positive that there were no women at all in this crowd, are you? A No women that I recollect and no children.
Q Well you would have remembered it, wouldn't you? A Yes, sir, I think so.
Q It was a pretty wild country here at that time? A It was a wild country, yes sir.
Q Well now when you came down in December the second time for what purpose did you come? A We come down to work on our places.
Q You left your family at Fort Scott on your second trip?
A Yes, sir.
Q Were there any women in that crowd who came down in '66?
A No, sir.
Q There were none? A None.
Q How did you come the second trip? A In wagons.
Q At that time, in the fall of '66 , did you have some brothers and sisters? A Yes, sir.
Q All of your brothers came with you in the fall of '66?
A Yes, Louis, Dennis and Nelson.
Q Did you have some sisters living at that time? A Yes, sir.
Q What were their names? A The oldest was Mariah, Polly Ann, Mary Ellen.
Q Where did you leave them on your first and second trips to the Cherokee Nation? A I left Mariah at Lawrence and Polly Ann at Fort Scott with her brother Dennis and I don't know where Mary Ellen was.
Q Did your sister, Polly Ann, come with you when you come in the spring of '67? A No, she came with her brother Dennis.
Q How long after you came until Polly Ann came with Dennis.
A About two or three weeks as near as I can recollect.
Q That was the first time, was it Mr. Whitmire, that Polly Ann had been in the Cherokee Nation after the war, as far as you know? A Yes, sir, Polly Ann was a girl then staying with her brother Dennis, she wasn't of age, she was staying with Dennis and living with him.
Q And she didn't come with Dennis in the fall of '66? A No she didn't come with Dennis when he come before.
Q She stayed with his family in the town of Fort Scott, Kansas.
A Yes, sir.

Q Was little Sam Webber married when he come down here with his father in '66? A Yes, sir.
Q Where was his wife? A She w s in Kansas.
Q Was there any woman come with little Sam Webber when he come on either of these trips in '66? A No, sir.
Q Well Mr. Whitmire, if any woman claims to have come down here in August or December, 1866 with this detachment of which you were a member, she is mistaken? A Yes, sir, she is mistaken.
Q You are positive that there were no women or children on either of these trips? A Yes, sir.
Q You were a grown man then weren't you? A Yes, sir.
Q And you are an intelligent fellow who would remember, wouldn't you, Mr. Whitmire? A Yes, sir.
Q And you remember that no women or children came with you on either of these trips? A No, sir, not one.
Q You have been acquainted with all these parties since your removal to the Cherokee Nation, have you Mr. Whitmire? A Yes, sir.
Q Known where they have lived and all about them? A Yes, sir.

BY MR. HASTINGS:
Q Wasn't it a fact that the Chambers Court admitted all of you people who made this first and second trip here to the Cherokee Nation that applied to the Chambers Court and introduced this testimony? A Yes, sir.
Q The Cherokee Nation or its authorities never did deny you did they? A No sir, never did.

BY MR. BULGER:
Q Mr. Whitmire when you started from Fort Scott to the Cherokee Nation what road did you take? A I come right down by Lightening Creek, what is called Lightening Creek, crossed over at Oswego and came down by Sapulpa and there we turned west and went over to the head of Big Creek.
Q How far down Big Creek did you go and where did you settle?
A We come down I guess eight or ten miles from the head to where we live.
Q Did you go north of where Centralia now is? No, sir west of where Centralia now is.
Q Well did you settle on Big Creek? A No, on Salt Creek, that is below Big Creek.
Q Which direction did you settle from Nowata? A Southeast, pretty nigh east.
Q Were you on Snow Creek, did you go down Snow Creek during that first trip? A No, sir.
Q Were you on Snow Creek? A I have been on Snow Creek.
Q How long were you there about four weeks? A No, not that long, not then.
Q Do you know whether or not anyone lived on Snow Creek? A No-one that I know of.
Q How do you know if you wasn't there? A I was there, but I didn't see anybody on Snow Creek or anybody living there.
Q When in August, '66? A Yes, sir, after that.
Q Where were you going when you passed Snow Creek? A By old Tahlequah and different places there, Westralia.
Q Did you have to go by Snow Creek to go by Westralia?
A Yes sir, it was an old trading post up there near old Tahlequah, east of Tahlequah on Pumpkin Creek.
Q How far was Westralia from where you was building those houses?
A About twenty miles.

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Q Which direction? A East.

Q Which side of Big Creek is Westralia on? A On the west side of Big Creek.
Q Which side of Snow Creek? A On the west side of Snow Creek.
Q Which side of the Verdegris? A On the east side of the Verdegris.
Q Where were you going when you went through Westralia? A Going to old Tahlequah, I had started to different places up there going to Westralia to trade sometimes during the past.
Q Then when you come to the Cherokee Nation that time you started at the head of Big Creek, went south down seven or eight miles where it runs into the Verdegris? A Yes sir, all the way from the head of Big Creek to where it runs into the Verdegris.
Q And settled on the southeast side of Big Creek where it turns around there into the Verdegris? A Yes, sir.
Q And there you built some houses? A Yes, sir, our houses were on Salt Creek about four miles from the mouth of Big Creek where it empties into the Verdegris.
Q When did you build there? A In '67.
Q Then there was it that this crowd that came in August of '66 built their houses? A They built them on Big Creek. It was about six or eight miles above where I live.
Q Did you find your location where you built some houses in '66? A Yes, sir.
Q But you didn't erect any buildings there until '67? A No, sir.
Q Who built those houses in that first '66 settlement? A Sam Webber built one, old man Webber and old man Mike Sanders and old man Weigs.
Q Did you have to cut trees down and hew these logs out? A We cut the logs down and hewed them out.
Q What did you cover these houses with? A Boards.
Q Where did you get the lumber? A It wasn't lumber boards, it was clab boards.
Q You was there four weeks? A Yes, sir.
Q You came to the Cherokee Nation, built those houses and went back to Fort Scott, when did you go back to Fort Scott? A I don't recollect just exactly what time I did get back on the first trip, I don't recollect.
Q How long did you stay down in the Cherokee Nation when you were down here? A Two weeks that time.
Q The first time? A Yes, sir.
Q During those weeks you built several houses? A Yes, sir.
Q Visited around different settlements on Snow Creek? A There wasn't no settlements that we looked around, we saw the country.
Q What was your idea in looking at the country when you had located and built your houses? A We wanted to see if there was any place better.
Q Moved your houses would you? A The houses were just logs and we could have got more if we had found a better location.
Q Well then you returned to the Cherokee Nation in December? A Yes, sir.
Q What way did you come that time, what road? A We come pretty nigh the same road as we come the first time, by Lightening Creek.
Q Came down by Lightening Creek? A Yes, sir.
Q Came down by Big Creek? A Yes, sir, Big Creek.
Q Stayed right close to the river? A Came to where we started our buildings.

Q Did you stay down in the bottom along Big Creek? A Yes, sir, we come along the bottom.
Q Now Mr. Whitmire, in August when you folks come down there, did you stay in the bottoms or get out on the grass? A No, we didn't exactly stay in the bottoms, we would go out on the prairie and look around.
Q Wasn't there great high grass in the bottoms that time and made it difficult to travel through? A Yes, sir, there was grass there.
Q Wasn't the grass a little short on the prairie? A Yes, sir.
Q And for that reason you stayed out of the bottoms on the way down? A No, we went in the bottoms.
Q You didn't travel down in those bottoms all the time did you? A No, sir.
Q You didn't travel in that big grass did you? A Yes, sir in places.
Q What did you have, wagons? A Wagons and teams.
Q What kind of horses did you have? A Some mules, some horses and some oxen.
Q But now what was your object in traveling in that high grass that big blue stem, instead of going on the prairie? A It was a good place, that was the object, if you was looking for a location you wouldn't go out on the prairie to hunt it.
Q Did you know where you was going when you left Fort Scott? A Yes, sir.
Q You had been in that country before the war? A No, I never was in it until after the war.
Q Were there any other crowds of Freedmen that come out from Fort Scott after August 1866, before you came in December? A Why, I don't know that.
Q You don't know? A No, sir.
Q Did Bill McCracken and Levi Dougherty and those fellows live in that country in those days? A No, sir.
Q Did you ever see them there? A I never seen them there, Bill McCracken lived on Flat River and Eli lived on Pryor Creek.
Q Where did Blue Alberty live? A On Pryor Creek.
Q When you came down in December, 1866, how long did you remain in the Big Creek country? A Four days.
Q Then where did you go? A Fort Gibson. Up to Goingsnake and then to Tahlequah.
Q And returned the same way? A I returned the same way.
Q What time did you go to Fort Scott? A About Christmas time.
Q How were you traveling those times? A Teams.
Q How long did you stay in the Goingsnake neighborhood? A Two weeks and stopped at Tahlequah three or four days.
Q Did you stop any length of time at Fort Gibson? A Four days, I think, maybe longer, I don't know exactly, four days or a week.
Q You left Fort Scott in December? A Yes sir.
Q Returned sometime during Christmas holiday week, between Christmas and New Years? A Yes, sir.
Q Stayed four days in Indian Territory? A Three or four days in Gibson.
Q Stayed a couple of days in Tahlequah and Goingsnake? A A couple of weeks.
Q Stayed a couple of week in Tahlequah and Goingsnake and got back there about the first day of January? A I don't know whether the first day, I guess it was about the first.

BY MR. HASTINGS:
Q How long after you come the last time before Louis moved down, your brother Louis? A I guess it was two or three weeks, I don't recollect just exactly.
Q But even at the time you moved there were no families at that time living anywhere in the section of the country? A None at all, Old man Riley the closest that I know and I lived four miles from him.
Q In the Cherokee Nation? A Yes, sir.
Q Well I meant when I asked the question there were no colored people? A No.
Q You were the first people? A First ones that I know of.
Q And you come down some two weeks before the Webbers moved there.
A Yes, sir.
Q And the Sanders family came with you? A Yes, sir. Sanders and Meigs.
Q Did they live about Fort Scott? A Yes, sir. Sanders lived there and Meigs lived there.

BY MR. BULGER:
Q Now Mr. Whitmire when you came down in December did you go directly to your places that you had located in August? A Yes.
Q Didn't scout around over the country like you did in August?
A No, sir.
Q Did you know of anybody who lived in the Snow Creek country or up in the Big Creek country, except in that immediate neighborhood where you went? A I didn't know for certain.
Q Now when you were on this trip to Coingsnake, how did you go?
A Wagon and two mules.
Q You and little Sam Webber came with you in August? A Yes, sir.
Q And he was married before this? A Yes, sir.
Q Did he return with you in December? A Yes, sir.

BY MR. HASTINGS:
Q Well you know that there was nobody living on Snow Creek after you moved down here in the spring of '67 because you had occasion to go back and forth up there? A I was up there from two to three weeks, had to go up to the little trading post at Oswego and get provisions.
Q And you saw nobody living in that section of the country?
A No, sir.
Q Well now the first trip you came I judge you traveled considerably over all of this country hunting a suitable place to locate?
A Yes, sir.
Q Well neither of the Webbers or none of the rest never did mention having been back to that section of the country before that in August? A No, sir.
Q None of them had been there before? A No, sir.
Q And there were no women on the first or second trips and no children? A No, sir.

BY MR. BULGER:
Q When you came down in December did you stay down in the bottoms close to Big Creek? A Yes, sir right in the bottoms.

BY MR. HASTINGS:
Q You had been game hunting a good deal of the time at that time had you? A It was all we had to eat.
Q And that made you go round in those bottoms in search of game?
A Yes, sir.

JA[illegible] . [illegible] being first duly sworn testifies as follows:

BY MR. HARRINGTON:
Q What is your name? A [illegible] . [illegible].
Q What is your age? A 62.
Q Are you a Cherokee citizen? A Yes, sir.
Q Where were you living when the war closed? A I was from south in the Choctaw Nation.
Q When did you return to the Cherokee Nation? A I came to the Cherokee Nation in [illegible], 1865.
Q When did you first have occasion to visit Coweseccowee district or that part of Coweseccowee known as the Snow Creek, Big Creek and Verdigris country? A In the winter of 1867. I had a large bunch of cattle near Claremore, Indian Territory and in the spring of 1867, we had lost some cattle and there had been another herd of cattle near there I had drove cattle I had charge of and they were gone in the direction of Kansas and I followed those cattle on the east side of the river to Coodys Bluff and crossed over at Coodys Bluff and stayed all night and in the morning came on the east side and followed up on the Verdigris River to Snow Creek and found the bunch of cattle I was following.
Q How far from the Kansas line? A Well, I couldn't say, it was right near the Kansas line.
Q They were near the Kansas line? A Yes, sir.
Q Then you had occasion to go up to the Verdigris river from where it flows out of Kansas into the Cherokee Nation? A Yes, up as far as Snow Creek.
Q How did you see any colored people along the Verdegris river and Snow Creek on that trip? A Well after leaving Coodys Bluff and going north on the east side of the river I didn't see a single house or habitation of any kind along the river, and I followed as close to the river as I could.
Q You were in search of this bunch of cattle and you were looking to see if you could find any people? A Yes, it was a wild country then and I would have been glad to have seen any house.
Q Were there any people living on Snow Creek at that time?
A I didn't see a single house.
Q Did you know where Ben Alberty claims to have settled? A Yes I know where the old place is.
Q How far did you go from the old Ben Alberty place on Snow creek?
A My best judgement is in the neighborhood of one mile.
Q How far did you pass from it when you went up? A I went right up Snow Creek until I could see the cattle on the other side and followed right up the Verdegris river until I came to Snow Creek.
Q And you could see no persons living in that section of the country? A No evidence of any habitation outside of the cattle down where the cattle were.
Q And you could see them at once? A I saw them at once.
Q How large a stream is Snow Creek? A Just a small stream.
Q Just a little branch? A It is a little creek with some timber that runs out of the Verdegris and heads toward Kansas.
Q Runs for a few miles in the Cherokee Nation? A Yes, sir.
Q And you saw no colored people at all on that trip? A No evidence of any habitation or anything.
Q And you never heard of any people who had seen the cattle?
A No, about half way between Coodys Bluff and Snow Creek I met two men and they told me no-one lived there.
Q They had seen this heard of cattle? A Yes they had seen these

cattle and had been to a town in Kansas, Osage, I knew them, they were two Cherokees.
Q Did you make any inquiries as to whether there was any settlement or not? A Yes, so I could stay all night.
Q Do you think it would be possible for Ben Alberty to have lived where y u knew he afterward settled without your seeing his house? If he had lived there when you went up Snow Creek in search of these cattle you would have seen his house? A I don't think so, if there had been any house I would have seen it.
Q Which way did you go back? A I came back the way I went, along the river.
Q Did you take charge of these cattle? A No sir, I left them in the herd, it was a long ways from where I was located and I left the cattle there until I came back.
Q You didn't go across to Salt Creek where Aaron Whitmire lives? A No, sir, I followed the Verdegris circle.
Q You left the Whitmire settlement to the east of you? A Yes some miles to the east.
Q And that is the reason why you didn't see their settlement? A Yes, sir.
Q Did you follow Big Creek? A Not any distance.
Q Big Creek flows in the Verdegris river? A Yes, sir, a little north of Coodys Bluff.
Q Instead of following Big Creek you went up the Verdegris river? A Yes, sir.
Q But when you struck where Snow Creek flows into the Verdegris you went up Snow Creek? A Yes a little, the cattle were between the river and Snow Creek on the north side and I followed the creek until I could see them on the other side and crossed.

BY MR. BULGER:
Q When was this Mr. Keys that you made this trip in April or May? A In April or May of 1868.
Q Where did you strike the Verdegris river when you started? A I went near Claremore and went from there to Coodys Bluff the first day.
Q On the east side of the river? A Yes Coodys Bluff is on the east side of the river. I stayed all night with Looney Riley.
Q Where did you cross the Verdegris River to go to the Snow Creek country? A I crossed it the next morning and went right up the river, there was considerable timber along the Verdegris at that time.
Q About the same as now? A Yes, sir.
Q How far out from Snow Creek did you stay when you went across the country for these cattle? A Not a great ways, I don't think it was more than from a half a mile on the east side of Snow Creek.
Q Is there any timber on Snow Creek? A Yes, sir, there is a little timber along there.
Q You didn't go on the east side of Snow Creek until after you had crossed that time, you went right across? A We followed up on the east side and crossed over on the west side and went to the herd of cattle.
Q How far up did you go until you crossed? A Well I couldn't say, a mile and a half or such a distance.
Q Do you know whether or not there was anyone living down on the fork where Big Creek flows into the Verdegris? A I saw no evidence of any settlement or habitation and I paid pretty close

attention and didn't see anyone living there.
Q But you don't know that there was no one living there? A I couldn't say positively.
Q How far east did you continue to go up Snow Creek? A Well I went right up the Creek, followed right up the river until near the mouth of the creek and then went up the creek about a mile and a half.
Q Never did go any farther? A No crossed there to the bunch of cattle the creek was running northeast at that point.
Q The cattle were on the northeast part of the prairie? A Yes, sir.
Q About how far? A One half mile or somewheres along there.
Q After you found those cattle did you return to Claremore? A I just rode into the bunch of cattle and then I turned and went back down the river.

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The Cherokee Nation asks that the testimony taken of Aaron Whitmire and James M. Keys on this date be made a part of the record in the case of Frank Love, F. D. 879; Sarah Robinson, F. D. 476; Larkin Powell, F. D. 475; Polly A. Canard, F. D. 814.

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Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 23rd day of December, 1904, and that the above is a full, true and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn to before me this 31st day of December, 1904.

Charles D. Jacoyer
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Powell, et al., as Cherokee Freedmen, consolidating the applications of:

Emma Powell, et al.,	Cherokee Freedmen D-475,
Sarah Robinson, et al.,	Cherokee Freedmen D-476,
Nettie Powell, et al.,	Cherokee Freedmen D-478,
William Love,	Cherokee Freedmen D-479,
Frank Love,	Cherokee Freedmen D-879,
Amanda Gaskins,	Cherokee Freedmen D-994,
Charlotte French,	Cherokee Freedmen D-1012.

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O R D E R .

It is ordered that a copy of the testimony of Lewis Ross, applicant in Cherokee Freedman case No. D 549, taken at Chelsea, Indian Territory, June 6, 1901, its decision rendered by this Commission on March 3, 1904, in the consolidated case of Isaac Fox, et al., Cherokee Freedmen D 508 et al., in which was included the said case of Lewis Ross, Cherokee Freedman D 549, and Departmental letter of August 31, 1904, (I.T.D. 6756-04), affirming said decision, be filed with and made a part of the record in the applications of Emma Powell, et al., Cherokee Freedmen D-475, Sarah Robinson, Cherokee Freedmen D 476, and Nettie Powell, Cherokee Freedmen D 478; and

That the testimony of Robert Adair, taken at Chelsea, Indian Territory, May 31, 1901, in re the application of his wife, Ida Adair, Cherokee Freedmen R 99, be filed with and made a part of the record in the applications of William Love, Cherokee Freedmen D 479 and Frank Love, Cherokee Freedmen D 879.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James Dinsmore
Commissioner

Dated at Muskogee, Indian Territory,

this DEC 20 1907

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Powell, et al., as Cherokee Freedmen, consolidating the applications of:

Emma Powell, et al.,	Cherokee Freedmen D 475,
Sarah Robinson, et al.,	Cherokee Freedmen D 476,
Nettie Powell, et al.,	Cherokee Freedmen D 478,
William Love,	Cherokee Freedmen D 479
Frank Love,	Cherokee Freedmen D 678,
Amanda Gaskins,	Cherokee Freedmen D 994,
Charlotte French,	Cherokee Freedmen D 1012.

--:--

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Emma Powell for herself and minor children, Hattie Bell Ross, Lula Ross, Gertie Ross, Lillie Gusta Ross, Jamie Powell, Jessie Powell, Eddie Powell and Ora Della Powell; subsequently, there was filed with this Commission, and made a part of the record in this case, an affidavit showing the birth, on September 4, 1901, of Willie Powell, child of the said Emma Powell and one Larkin Powell; by Sarah Robinson for herself and minor children, Fred Robinson, Lucy Robinson and Andy Robinson; subsequently there was filed with this Commission, and made a part of the record in this case, an affidavit showing the birth, on March 26, 1902, of Katie Robinson, child of the said Sarah Robinson and one Elijah Robinson; by Nettie Powell for herself and minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself; and by Washington French for his wife, Charlotte French. A copy of the testimony of Lewis Ross taken at Chelsea, Indian Territory, June 6, 1901, of its decision rendered

by this Commission March 5, 1904, in the consolidated case of Esau Fox, et al., Cherokee Freedman D 508, et al., and of Departmental letter of August 31, 1904 (I.T.D. 6756-04), in the case of Lewis Ross, Cherokee Freedman D 549, and of the testimony of Robert Adair taken at Chelsea, Indian Territory, May 31, 1901, in re application of Ida Adair for enrollment as a Cherokee Freedman by intermarriage, case No. R 99, and of Maria French and others taken at Nowata, Indian Territory, July 2, 1901, in re application of the said Mariah French for enrollment as a Cherokee Freedman by intermarriage, case No. D 1010 is filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicant, Emma Powell, was born about the commencement of the rebellion, and was the daughter of Ben and Rhoda Alberty, both deceased, and both of whom were the slaves of a Cherokee citizen at the commencement of the rebellion; that the applicant, Charlotte French, was the daughter of the said Rhoda Alberty, and was the slave of a Cherokee citizen at the commencement of the rebellion; that the applicants, Emma Powell and Charlotte French, together with the said Ben and Rhoda Alberty, resided in the state of Kansas during said rebellion, and that neither the said Emma Powell or Charlotte French, nor the said Ben or Rhoda Alberty, returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

The evidence further shows that said applicant, Emma Powell, died on March 22, 1902, and an affidavit to that effect is filed herewith and made a part of the record in this case.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The evidence further shows that the applicants, Hattie Bell, Lula, Gertie, and Lillie Gusta Ross, Sarah Robinson and Nettie Powell, were born since 1866 and are children of the applicant, Emma Powell and one Lewis Ross, and that the application of the said Lewis Ross for enrollment as a Cherokee freedman was denied by the Commission on March 5, 1904, and its action approved by the Department on August 31, 1904. The applicants, William Love, Frank Love, Mamie, Jessie, Eddie, Ora Della and Willie Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell, are children of the applicants, Emma Powell, Sarah Robinson and Nettie Powell, were born since 1866, and possess no rights to enrollment other than as descendants of their said mothers. The applicant, Amanda Gaskins, is a daughter of the said Ben Alberty, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said father.

None of the applicants herein can be identified on the authenticated Cherokee tribal roll of 1880, nor the Cherokee census roll of 1896.

In re credibility of witnesses introduced by applicants in this case:

Charles Chambers, a stock witness for freedmen applicants, on behalf of the applicant, Emma Powell, (C.F.D. 475), testifies that he first saw her father, Ben Alberty, in the Indian Territory in 1867, while on a trip from Tahlequah to Big Creek; on behalf of the applicant, Amanda Gaskins, (C. F. D. 694), he testifies that this trip was made in the year 1870; on behalf of Charlotte French, (C.F.D. 1012), he again testifies that this trip was made in 1867. In the case of Queenie Smith, et al., (C.F.D. 779), this witness testifies that he moved from Tahlequah to the Big Creek country "somewhere in the '70's", and in the case of Willis Starr, et al., (C. F. D. 866), he testifies, "I come up on Big Creek in 1870", and upon cross-examination is very positive as to the date. Sidney West, in her own behalf, (C. F. D. 564), testifies that she was the wife of Charles Chambers during the rebellion, that they returned to the Cherokee Nation in the fall of 1865, and lived together about a year, near Fort Smith; that he then left her, and about a year later she found him at Fort Gibson, and that they then went to Park Hill, and lived together "there some year or two." She also testifies that she and Charles Chambers were living together at Park Hill "about four years after the war." In this she is corroborated by Charles Chambers, as, in the same case, he testifies that they began living together after they left the Cherokee Nation, during the war, and lived together "six or seven years", and in the case of Sabra McQueen, (C.F.D. 132), he testifies that he is her father, was living with her mother, Sidney West (C.F.D. 564), at the time she was born, and continued to live with her for a long time thereafter, in fact until two children younger than Sabra were born to them. The above testimony establishes beyond a reasonable doubt that Charles Chambers, for several years after the close of the war, lived in the Cherokee Nation near Fort Smith and in and around Tahlequah, (Park Hill is between Tahlequah and Fort Gibson), and that he did not move to the Big Creek country prior to the year 1870.

Witness Nelson Murrell has been denied enrollment as a Cherokee freedman by this Commission, and its action approved by the Department. In his case (C.F.D. 546), it was conclusively shown that he was living in Kansas as late as the year 1868. He testifies, however, that he reached the Cherokee Nation before Ben Alberty and his family did, and that he met them at Trotter's Ford, on the Neosho river, as he was returning to Kansas. This statement is probably correct, and in view of the fact that he came to the Cherokee Nation in the latter part of the year 1868, or early part of 1869, together with the testimony of Charles Chambers to the effect that when he saw Ben Alberty (which undoubtedly was not earlier than the year 1870), "he had made one crop and was then making another", and this, in connection with the testimony of numerous disinterested witnesses that there were no colored families living on Snow Creek prior to 1868, shows beyond a reasonable doubt that Ben Alberty and his family did not come to the Cherokee Nation prior to the year 1868, and it is more probable that they did not come before the spring of 1869.

Little weight can be given the testimony of Jim (Sheep) Alberty, as he had been repeatedly contradicted, and his general disreputableness as a witness in behalf of freedmen applicants is recognized in Departmental letter of August 17 1904, (I.T.D. 4998-04).

The testimony of Daniel and Reuben Sanders does not show that the applicants or their ancestors returned to the Cherokee Nation within the time specified in the Whitaire decree.

If the moral depravity of a witness is to be considered in weighing their testimony, the testimony of Mary Joe should receive no consideration whatever.

L. . Daniels, another "stock witness" for Cherokee freedmen applicants, testifies on behalf of Charlotte French, but he knows nothing of importance to the applicant. G. W. Lane, also on behalf of the applicant, Charlotte French, testifies to the effect that he first saw her at Ben Alberty's , on Snow Creek, in 1867, but does not give the time of the year. He further testifies, in reply to the question "When did you first come in that neighborhood?" "I come to stay in '68; I was here in '66 and went back." Evidently he did not see Ben Alberty or his family, here in 1866. This witness was an applicant for enrollment as a Cherokee freedman by intermarriage, consequently his residence prior to his marriage in 1875 was of no concern and has never been investigated.

It is, therefore, ordered by this Commission that the application for the enrollment of Ema Powell as a Cherokee Freedman, be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716); and it is the opinion of this Commission that the applications for the enrollment of Hattie Bell Ross, Lula Ross, Bertie Ross, Lillie Gusta Ross, Mamie Powell, Jessie Powell, Eddie Powell, Ora Della Powell, Willie Powell, Sarah Robinson, Fred Robinson, Lucy Robinson, Andy Robinson, Katie Robinson, Nettie Powell, Harold Powell, William Love, Frank Love, Amanda Gaskins and Charlotte French, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

C. R. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory,

this APR 18 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Emma Powell,
Coffeyville, Kansas.
CherokeeF-D-475
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

(C O P Y)

DEPARTMENT OF THE INTERIOR, Y.P.
WASHINGTON. MAF

ITD 6756-1904
L.R.S.

August 31, 1904.

The Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

March 5, 1904, you rendered your decision in the case involving the applications for enrollment as Cherokee freedmen, of Flora Murrell, Esau Fox, Nancy Fox, Ollie Gibson, nee Fox, Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox, Mary Fox, Leever Gibson, Tobe Looney, Eliza Looney, Frank Looney, Joe Ross, Irving G. Looney, John Shadd, Phillis Alexander, Luther J. Alexander, Vessie Alexander, Ezra Alexander, Ermer Alexander, Nelson Murrell, Lewis Ross Allen Looney, Alice Looney, Bert Looney, Jake Looney, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Wernie Ross, Nelson Ross, Alva Ross, John H. Ross, Steve Looney, Peggy Looney, Chaney Ross, Emma Brown, Steve Willis, Maggie Willis and Lloyd Willis, holding that Flora Murrell should be enrolled, and that the other applicants should not be enrolled.

It was stated that the principal applicants claim for to themselves as former slaves of Cherokee citizens and for their children and gandchildren included in their respectivea applications, as their descendants; that all of such applicants claiming by descent were born since the commencement of the rebellion and it

is not shown that they have any rights as Cherokee freedmen other than as such descendants.

You found that the evidence shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross were slaves of Cherokee citizens at the commencement of the rebellion; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion, and did not return thereto and did not take up their residence therein until after February 11, 1867.

Reporting in the matter August 23, 1904, the Commissioner of Indian Affairs states that the record shows by a "preponderance of credible testimony" that the principal applicants were taken out of the nation during the war, and returned and established homes in the Cherokee Nation prior to February 11, 1867; that all applicants of sufficient age are identified on the Wallace and Kern-Clifton rolls, and "in isolated cases are found upon the 1880 authenticated Cherokee roll, but it appears from the act of Congress approved June 28, 1898 (30 stats., 495) section 21, that this roll was not intended for freedmen, but they were specifically excluded from the same." He states that there is some testimony in the record in behalf of the Cherokee Nation, but that it appears to be that of "Stock witnesses" who have appeared in many of the Cherokee freedmen cases. He recommends that all of the applicants be enrolled.

The Commissioner is in error in stating that some of the applicants are on the 1880 roll. As stated in your decision, none of the applicants is identified on the 1880 authenticated Cherokee roll. In regard to his statement concerning the 1880 roll, attention is called to departmental letter of May 11, 1900, in which you were advised that the roll of 1880 made by the Cherokee Nation, is to be accepted by you as conclusive of the rights of all persons claiming as Cherokee freedmen, whose names are found thereon and of their descendants.

The Department finds nothing to warrant the conclusion that the witnesses for the nation are "stock witnesses".

It is true that, corroborating each other's statements to some extent, most of the principal applicants claim to have come to the Cherokee Nation in the fall of 1866, with Nelson Murrell, one of the applicants. The nation produced a number of witnesses who testified that the two principal applicants, Esau Fox and Nelson Murrell, were residing with their families in southern Kansas, north of the Cherokee Nation, in 1866 , 1867, 1868 and 1869, and, some of the witnesses stated, even at a later date; also witnesses to show that in 1868 no freedmen were residing in the Cherokee Nation where most of the principal applicants claim to have been living from September , 1866.

The Department finds no reason to disturb your decision,

and it is hereby affirmed. You will, however, adjudicate the rights of Nelson Murrell to citizenship as an intermarried citizen.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan
Acting Secretary.

1 inclosure.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-475.

Muskogee, Indian Territory, December 1, 1904.

Larkin Powell,

Coffeyville, Kansas.

Dear Sir:

In the matter of the application for the enrollment of Emma Powell and her minor children as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not Lewis Ross, father of Hattie B. Lulu, Gertie and Lillie G. Ross, was a Cherokee freedman and complied with the ninth article of the Cherokee Treaty of 1866.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 22, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Registrar

Chairman.

COPY

Cherokee Freedmen

D-475, et al.

Muskogee, Indian Territory, January 11, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of an order dated December 28, 1904, and signed by Commissioner Rixby, making part of the record in Cherokee Freedmen cases a part of the record in other Cherokee Freedmen cases as follows:

A copy of the testimony taken at Chelsea, Indian Territory, on June 6, 1901, in the case of Lewis Ross, F. D-549; the Commission's decision dated March 5, 1904, in the consolidated case of Esau Fox, et al., F. D-508, et al., in which was included the said case of Lewis Ross; a copy of departmental letter of August 31, 1904, affirming said decision, to be made a part of the record in the cases of Emma Powell, et al., F. D-475; Sarah Robinson, et al., F. D-476, and Nettie Powell, et al., F. D-478.

A copy of the testimony of Robert Adair taken at Chelsea, Indian Territory, on May 31, 1901, in the case of his wife Ida Adair, F. R-99, to be filed with and made part of the

record in the cases of William Love, F. D-479, and Frank Love, F. D-879.

Respectfully,

(SIGNED). James Dixby.
Chairman.

Incl. S-12.

COPY.

Cherokee Freedmen

D-475.

Muskogee, Indian Territory, April 18, 1905.

Hattie B. Ross,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of your mother, Emma Powell, and rejecting, among others, the application for the enrollment of yourself, your brother, Eddie Powell, and your sisters, Lula, Gertie and Lillie G. Ross, Mamie, Jessie, Ora D. and Willie Powell, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.

Chairman.

Incl. S-65
Register

COPY.

Cherokee Freedmen

D-475, et al.

Muskogee, Indian Territory, April 18, 1905.

Edgar Smith,

Attorney for Emma Powell, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell and rejecting, among others, the applications for the enrollment of Hattie B., Lula, Gertie and Lillie G. Ross, Mamie, Jessie, Eddie, Ora D., Willie, Nettie and Harold Powell, Sarah, Fred, Lucy, Andy and Katie Robinson, William and Frank Love and Amanda Gaskin, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. D-73
Register.

COPY.

Cherokee Freedmen

D-475, et al.

Muskogee, Indian Territory, April 18, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1906, dismissing the application for the enrollment of Emma Powell and rejecting the applications for the enrollment of Hattie B., Lula, Certie and Lillie G. Ross, Mamie, Jessie, Eddie, Ora B., Willie, Nettie and Harold Powell, William and Frank Love, Sarah, Fred, Lucy, Andy and Katie Robinson, Amanda Gaskin and Charlotte French, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-76

COPY.

Cherokee Freedmen
B-475, et al.

Muskogee, Indian Territory, April 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Emma Powell, et al., including the Commission's decision dated April 18, 1905, dismissing the application for the enrollment of Emma Powell and rejecting the applications for the enrollment of Hattie E., Lula, Gertie and Lillie T. Ross, Nannie, Jessie, Eddie, Ora D., Willie, Nettie and Harold Powell, William and Frank Love, Sarah, Fred, Lucy, Andy and Katie Robinson, Amanda Gaskin and Charlotte French, as Cherokee freedmen.

Respectfully,

Tams Bixby
(SIGNED) Chairman.

Incl. 5-77

Through the

Commissioner of Indian Affairs.

Land
30880-1905.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington.

May 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Emma Powell for herself and her minor children, Hattie Bill, Lula, Gertie and Lillie Gusta Ross and Mamie, Jessie, Eddie, Ora Della and William Powell; by Sarah Robinson for herself and her minor children, Fred, Lucy, Andy and Katie Robinson; by Nettie Powell for herself and her minor child, Harold Powell; by William Love for himself; by Frank Love for him self; by Amanda Gaskins for herself and by Washington French for his wife, Charlotte French.

On blank date the Commission decided adversely to all the applicants.

The record shows that Emma Powell was born about the commencement of the war of the rebellion, and was the daughter of Ben and Rhoda Alberty, both deceased, and both of whom were slaves of a Cherokee citizen at the beginning of the war of the Rebellion; that Charlotte French was the daughter of Rhoda Alberty and was the slave of a Cherokee citizen at the

beginning of the war; that Emma Powell and Charlotte French, together with Ben and Rhoda Alberty resided in the State of Kansas during said war and that Emma Powell, Charlotte French, Ben and Rhoda Alberty did not return to the Cherokee Nation on or before February 11, 1907. The record further shows that Emma Powell died March 23, 1902.

The record further shows that Mattie Bell, Lula, Certie and Willie Gusta Ross, Sarah Robinson and Nettie Powell were born since 1866 and are children of Emma Powell and one Lewis Ross and that the rejection of the application of Lewis Ross was approved by the Department August 31, 1904. The applicants, William and Frank Love, Mamie, Jessie, Eddie, Ora Belle, and Willie Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell are children of the applicants, Emma Powell, Sarah Robinson and Nettie Powell, were born since 1866 and possess no right to enrollment other than as descendants of their said mothers. The applicant, Amanda Gaskins is a daughter of Ben Alberty, was born since 1866 and possesses no rights to enrollment other than as a descendant of her father.

None of the applicants is identified on the 1880 authenticated Cherokee roll nor the Cherokee Census roll of 1896.

In View of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

M.M.V.
W.

JBjr

D.C.1779-1907.
I.T.D.5424-1905
8551-

LRS DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

January 5, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Terrytory,

Sir:

April 19, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated application for enrollment as Cherokee freedmen by Emma Powell for herself and her minor children, Mattie Bell, Lula, Gertie, and Lillie Gusta Ross, and Mamie, Jessie, Eddie, Ora Della, and Willie Powell, by Sarah Robinson for herself and her minor children, Fred, Lucy, Andy, and Katie Robinson; by Mettie Powell for herself and her minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself; and by Washington French for his wife, Charlette French, including its decision, without date, adverse to all the applicants.

Reporting May 11, 1905 (Land 30880), theIndian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed a motion for review of the decision of the Commission.

The Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed motions for review of said decision.

The Cherokee Nation filed argument.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motion for review, have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

17 inclosures.

Cherokee F.
D-475 et al.

Muskogee, Indian Territory, January 17, 1907.

Blue & Bulger,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell, and rejecting the applications for the enrollment of Hattie B. Ross, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of the said case, filed by you September 7, 1905, denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-20
JMH

Commissioner.

Cherokee F.
D-475 et al.

Muskogee, Indian Territory, January 17, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell, and rejecting the applications for the enrollment of Mattie B. Ross, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of said case, filed September 7, 1905, denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.E-21
JMH

Commissioner.

Cherokee F.
D 475.

Muskogee, Indian Territory, January 17, 1907.

Hattie B. Ross,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of your mother, Emma Powell, and rejecting the application for the enrollment of yourself, brother and sisters as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, September 7, 1905, denied.

Respectfully,

JMH

Commissioner.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 1st, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Emma Powell et al for enrollment as Freedmen of the Cherokee Nation, one copy of the original testimony of June 1st, 1901.

Mellette & Smith

Attorney for Applicant.

Cherokee F. #D475.

Ap D. 1/ 7.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of , 190 .

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss.

I, , solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

FILED

NOTICE!

IN THE MATTER OF the application of Emma Powell for enrollment as Cherokee citizens:

Case No. D 475

To Emma Powell or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct 22d 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

W. W. Hastings

Attorneys for the Cherokee Nation.

F. D. 475

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of . A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of , 190

Attorney for applicant.

UNITED STATES OF AMERICA
INDIAN TERRITORY, } s. s.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of . A. D. 190.

Subscribed and sworn to before me this

Notary Public.

NOTICE!

IN THE MATTER OF the application of Ella Powell,
for enrollment as Cherokee Freedmen:
Case No. F. D 475.

To Ella Powell, or Hellet & Smith, her Attorneys:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 3rd, 1902., at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 26, 1902.

R. P. Ross

N. N. Hitchings

Jas. Darnforth

Attorneys for the Cherokee Nation.

Cher Fr R 905
Trans. from Cher Fr D 476

Cher Fr R 905

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 1st, 1901,

In the matter of the application of Sarah Robinson for the enrollment of herself and three children as Cherokee Freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Sarah Robinson
Q How old are you? A. 31.
Q What is your post office address? A. Coffeyville, Kansas.
Q In what district do you live? A. Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Three children
Q What are thei names? A. Fred.
Q How old? A. 8.
Q Next? A. Lucy
Q How old? A 4.
Q Next chi d? A. Andy.
Q How old? A. One year.
Q What is your mothers name? A. Emma Powell.
Q Are you married? A. Yes sir.
Q What is your husbands name? A. Lige Robinson.
Q Is he a citizen? A. No sir.
Q Is your name on the Kerns Clifton roll? A. Yes sir.
Q What was your name before you married? A. Ross.

Kern Clifton roll examined and the name of the applicant found as follows: Page 167 No. 4115, Sarah Alberty, Cooweescoowee district.

Q Did you draw for these children? A. For Fred.

Kern Clifton roll examined and the name of the applicant's child found as follows:
Page 167 No 4123, Fred Robinson, Cooweescoowee district

Q Are these children living? A. Yes sir.
Q Were they all born and raised in the Cherokee Nation? A. Yes sir.

By Com'r Needles,-

Sarah Robinson applies for herself and three children, Fred, Lucy and Andy Robinson; she avers that she is the child of Emma Powell, who has this day been enrolled as Cherokee Freedman Doubtful card No. 475. The testimony taken in said case will be referred to and made a part of the present case and a copy thereof will be filed in this application. Sais Sarah Robinson avers that she is married to one Lige Robinson a non citizen and that her maiden name was Ross. She is identified on the Kern Clifton pay roll as Sarah Alberty, the name of her mother's owners, and the child Fred is also identified on the Kern Clifton roll as Fred Robinson. She makes satisfactory proof as to residence, and she and her three children as herein named will be listed for enrollment as Cherokee Freedmen on a doubtful card, because of the fact that her name is not found on the authenticated roll of 1880 and because of the further fact that the Cherokee Nation protests their enrollment. It will be necessary for her to file satisfactory proof of the birth of her two youngest children, Lucy and Andy, their names not being on any roll. She will be notified by mail of the final decision in her case

* * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript thereof.

Subscribed and sworn to before me this 1st day of June, 1901 at Chelsea, I.T.

T. B. Needles
Commissioner.

Sarah Robinson 2

Chandonivrie

Subscribed and sworn to before me this the 8th of June, 1901 at Chelsea I. T.

Commissioner.

B 40 72

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 1 1901
ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901

Post Office [illegible]

District [illegible]

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Sarah [illegible] Age .....

Owner's name ..... Citizenship .....

Year [illegible] Page [illegible] No. 1115 District [illegible]

Parents:

Father ..... Citizenship .....

Mother [illegible] Citizenship [illegible]

Names of Children:

3. [illegible] Year [illegible] Page [illegible] No. 1123 Dist. [illegible]

4. [illegible] Year ..... Page ..... No. ..... Dist. .....

5. [illegible] Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by [illegible] Stenographer [illegible]

[illegible] Sarah Albert

[illegible]

Born. Birth certificate required

[illegible]

C COPY #76

Cherokee Freedmen D 4-76

20

IN RE

Application for Enrollment of

INFANT CHILD

Lucy Robinson

as a citizen of

CHEROKEE Nation.

Approved, Jun 1 1901 190

T.B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

F I L E D
Jun 1 1901
Tams Bixby
Acting Chairman

COPY.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Lucy Robinson (Here insert name of child), born on the 20 day of March, 1897

Name of Father: Elijah Robinson, a citizen of the U.S. Nation.

Name of Mother: Sarah Robinson, a citizen of the Cherokee Nation.

Post-office, Coffeyville, Kans.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Sarah Robinson, on oath state that I am 21 years of age and a citizen, by adoption, of the Cherokee Nation; that I am the lawful wife of Elijah Robinson, who is a citizen, by , of the U.S. Nation, that a female (male or female) child was born to me on the 20 day of March 1897; that said child has been named Lucy Robinson, and is now living.

her
Sarah X Robinson
mark

WITNESSES TO MARK (Must be Two Witnesses)
I. P. Bledsoe
John Buffington

(SEAL)

Subscribed and sworn to before me this 1 *day of* June *1901*.

Louis T. Brown NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Emma Powell, a midwife, on oath state that I attended on Mrs Sarah Robinson, wife of Elijah Robinson, on the 20 day of March, 1897; that there was born to her on said date a female (male or female) child; that said child is now living and is said to have been named Lucy Robinson.

her
Emma X Powell
mark

WITNESSES TO MARK: (Must be Two Witnesses)
I.P.Bledsoe
John Buffington

Subscribed and sworn to before me this 1 *day of* June *1901*

Louis T. Brown NOTARY PUBLIC. (SEAL)

D COPY. 476

CHEROKEE FREEDMEN D 476

20

IN RE

Application for Enrollment of

INFANT CHILD

Andy Robinson

as a citizen of

CHEROKEE Nation.

Approved. JUN 1 1901 190

T. B. Needles *Commissioner.*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

F I L E D

JUN 1 1901

Tams Bixby
Acting Chairman

BIRTH AFFIDAVIT. COPY. 20

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Andy Robinson (Here insert name of child.), born on the 20 day of February, 1900

Name of Father: Elijah Robinson, a citizen of the U.S. Nation.

Name of Mother: Sarah Robinson, a citizen of the Cherokee Nation.

Post-office, Coffeyville, Kans.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Sarah Robinson, on oath state that I am 21 years of age and a citizen, by Adoption, of the Cherokee Nation; that I am the lawful wife of Elijah Robinson, who is a citizen, by , of the U.S. Nation, that a male (male or female) child was born to me on the 20 day of February 1900; that said child has been named Andy Robinson, and is now living.

WITNESSES TO MARK (Must be Two Witnesses)
I.P. Bledsoe
John Buffington

her Sarah X Robinson mark

Subscribed and sworn to before me this 1 *day of* June *190*1.

Louis T. Brown (SEAL) NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Emma Powell, a midwife, on oath state that I attended on Mrs. Sarah Robinson, wife of Elijah Robinson, on the 20 day of February, 1900, that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Andy Robinson.

WITNESSES TO MARK: (Must be Two Witnesses)
I. P. Bledsoe
John Buffington

her Emma X Powell mark

Subscribed and sworn to before me this 1 *day of* June *1901*.

Louis T. Brown (SEAL) NOTARY PUBLIC.

PAR
COMMISSION
SI

To be filed with the case of [illegible] C. R. D. [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June, 1st 1901.

In the matter of the application of Emma Powell for the enrollment of herself and eight children as Cherokee freedmen; being duly sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for applicant.
Mr. L. B. Bell, Cherokee representative.

Q What is your name? A. Emma Powell.
Q Is that your name now? A. Yes sir, my married name.
Q How old are you? A. I guess about 46, 35 or 40.
Q What is your postoffice? A. Coffeyville.
Q What district do you live in? A. Cooweescoowee
Q You apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. I have got 11 children, three of them is married.
Q Are you married yourself? A. Yes sir.
Q Has your husband been enrolled? A. No sir, he is a state man.
Q What is your husband's name? A. Larkin Powell.
Q Now give me the names of your children, commencing with the oldest one at home under 21? A Hattie Bell.
Q Hattie Bell what? A They are on the roll Alberty, that 's my father's name; they are Ross.
Q Were you ever married to Ross? A Yes sir.
Q How old is Hattie Ross? A She is 17 years old, as near as I can guess.
A Now the next one? A. Lula Powell.
Q How old is Lula? A. She is 14. I dont know their ages exactly, I am guessing at it.
Q Well go on now? A Gertie, 13.
Q Next one? A Lillie Gusta.
Q Is it a girl? A Yes sir.
Q How old is she? A. About 10 or 12 years old.
Q Next one? A. Mamie.
Q How old is Mamie? A. She is about 9 years old.
Q Next one? A. Jessie, she is about 6. Eddie Powell, five years old, - going on five.
Q Next one? A Ora Della, 2 years old.
Q Are they all Powell except the oldest one, Hattie? A Yes sir, they are about four Powells I give you there.
Q You gave me seven Powells, you say Hattie Bell is named Ross? A Yes sir.
Q Well, all the balance of them are named Powell? A No sir, only four Powells, or three.
Q What's Gertie's name? A She is a Ross.
Q What's Lula's name? A She is Ross, but it is on the roll Alberty.
Q What's Lillie's name? A. She is a Ross.
Q What's Mamie? A She is a Powell.
Q And Jessie is a Powell? A Yes sir.
Q And Eddie? A Yes sir.
Q And Ora? A Yes sir.
Q Four Ross children? A. Yes sir.
Q You have got eight children here, and how many married? A. Four married.
Q What was your first husband's name? A. Lewis Ross.
Q Was he a citizen? A. Yes sir.
Q Is he living? A. Yes sir.

ORIGINAL NOT AVAILABLE COPY

Q Are you separated? A. Yes sir.

(Examined by Attorney Smith)

Q Were born a slave? A I dont remember.
Q About how old are you? A. I dont know, I guess I ought to be 30 or 40.
Q How old is your oldest child? A He is about 22, or 3, or about 26 I think,- he is 24; my oldest child. I dont know his age exactly.
Q What is his name? A. Frank.
Q Who was his father? A. Ross.
Q He is Frank Ross? A. Yes sir.
Q What is the next child's name? A. Will Ross.
Q What is your next child's name? A. Sarah.
Q Is she married? A. Yes sir.
Q What is her name now? A. Sarah Eliza Robinson.
Q What is your next one's name? A. Annette Powell now, she is married
Q What is the next one named, does that bring you down to Hattie, two boys and two girls are married? A That's all the married ones I have got.
Q That's all down to Hattie then? A. Yes sir.
Q How old is Hattie? A She is I think about 17 years old I guess.
Q Who was your mother? A They tell me. I don't remember, my mother, her name was Rhoda, I dont remember.
Q Rhoda who? A I don't know that.
Q Do you know who your father was? A. Yes sir.
Q Who? A Ben Alberty.
Q Where do you live? A Cooweescoowee.
Q What is your post office? A Coffeyville.
Q How far do you live from Coffeyville, about? A. It is about 10 or 12 miles.
Q In the Cherokee Nation? A. Yes sir.
Q How long have you lived there in that place where you live now?
A About five or six years.
Q Where did you live before that? A I lived closer to the river and I moved from the Verdigris river out on Cedar, where I live now.
Q When did your husband Ross, die? A. He aint dead.
Q Are you divorced from him? A No sir.
Q Where were these children, whose names you have given, born? All here in the Cherokee Territory.
Q What is your earliest recollection as to where you were living as far back as you can remember. A On Snow Creek.
Q In the Cherokee Nation? A. Yes sir.
Q Are you on the Kern Clifton roll? A Yes sir.
(By Commissioner Needles)
Q Are you on the 1880 roll? A I don't know as I am, my father may be, I dont know, I may be.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant, and her father, and names not found.
Kern Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 167 #4113 Emma Powell, Cooweescoowee district.
page 167 #4117 Hattie Ross, Cooweescoowee District
page 167 #4119 Sula Powell, Cooweescoowee district.
page 167 #4118 Martin Ross, Cooweescoowee district.
page 167 #4120 Carter Ross, Cooweescoowee district.
page 167 #4121 Mamie Powell, Cooweescoowee district.
page 167 #4122 Jess Powell, Cooweescoowee district.
Kern Clifton roll of citizens of the Cherokee Nation examined for Eddie and name not found.

Q You didn't draw for Eddie? A. No sir.

Wallace roll of citizens of the Cherokee Nation examined for applicant and found on page 157 #2870 Emma Ross, Cooweescoowee district.

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Q Was Lewis Ross the father of Lula? A No sir.
Q Who? A Powell, no Ross. Lewis Ross he is the father of this Lula.
(Examined by Cherokee representative, L.B.Bell)
Q Where were you born? A I don't remember where I was born.
Q How old are you? A. I don't know my age, at all. That's the reason I got this mistake now.
Q Where do you first recollect being? A On Snow Creek.
Q Who was your father? A Ben Alberty.
Q Who was your mother? A They called her Rhoda, I don't remember her; she died when I was quite young.
Q You don't know whether she was a Freedman? A No sir, I don't.
Q You know who Ben Alberty belonged to? A He said he belonged to old John Alberty.
Q You don't know of yourself, as to where you were born, and brought up, all you recollect here at Snow creek? A No sir.
Q You live on Snow creek now? A. No, I live on Jadar now.
Q How far is that from Snow Creek? A About five miles.
Q You have lived there all the time? A Yes sir except when I lived at Bartlesville awhile.
Q You never lived in Kansas? A. No sir.
(Examined by Attorney Smith)
Q Have these children whose names you have given been living with you all the time? A All these single ones.
Q Where are the ones that are married living now? A. Right close to me
Q In the Nation? A. Yes sir.
Q Did they live with you up until they were married? A Yes sir.
Q These single ones they are living with you still? A Yes sir, the single ones.
(Examined by Cherokee representative, L. B. Bell)
Q They are all alive? A. Yes sir, when I left home they were.
This case is here discontinued to await the arrival of a witness in behalf of the applicant, who has been sent for.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

(signed) M. D. Green.

Subscribed and sworn to before me this June 5th, 1901.

(signed) T. B. Needles,

Commissioner

CONTINUATION of the application of Emma Powell, taken by Stenographer M. D. Green, June 1st, 1901.

CHARLES CHAMBERS, called and sworn as a witness for the applicant. (By Mr. Smith
Q What is your name? A. Charles Chambers.
Q Where do you live? A. Hudson, I. T.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q How old are you? A. About 70.
Q Do you know Emma Powell? A Yes sir.
Q Was she a slave? A. No sir.
Q Did you know her mother? A. I saw her mother.
Q Where did you see her? A. I saw her when she used to live with John Alberty.
Q Q Did she belong to John Alberty? A. Yes sir.
Q How big was Emma when the war broke out? A. Must have been a mighty little thing. I didn't remember seeing her then; when I came back here in 66 she was a small girl.

Q Well you dont know then if she was born before or after the war?
A She must have been born during the war.
Q You did not know about it though? A No sir.
Q When did you first see Emma Powell in the Cherokee Nation after the war? A Right after the war. In 1867 when I came from Tahlequah.
Q Who was she with? A. Her father? A.
Q What was his name? A. Ben Alberty.
Q Who did Ben belong to? A. John Alberty.
Q What was this girl's mother's name? A I done forgot it.
Q Who did she belong to? A. I don't know if she belonged to John Alberty or not, she was there though.
Q When did you come backfrom Tahlequah the trip you made and saw Em Powell? A I started in '67 from Tahlequah.
Q Where were you going? A Just coming up on the creek to the old place hunting my old friends Joe and Jack Ross.
Q Where was Emma in '66? A I dont know for certain, on Snow creek I guess.
Q Do you know where she was in '66? A I dont know where she was I saw her father on Snow creek and I guess she was with him.
Q When did you come to the Alberty's there that time you say you saw the father? A In '67.
Q Was it in the fall of '67? A No in the summer.
Q You dont know how long they had been there do you? A. No sir her father had made a crop there and had another one started so he must have been there a while.
Q Had you seen her father any where else before that? A. No sir only on Snow Creek since the war, that was the first time since the war in the Cherokee Nation.
Q You say he had made one crop and had in another? A. Yes sir.
(By Bell)
Q Where is Snow creek? A Near the Virdigris river.
Q Which side? A. The east side.
Q How far is it from the Big Creek Whitmire settlement ? A About 15 miles.
Q Dod you settle on Snow creek? A Yes sir settled there first.
Q When did you settle there? A I dont know just when it was.
Q What year was it in? A. In '68
Q After Ben Alberty was there? A. He was there in '67, that is when I seed him there, and I went back to Tahlequah and then came back there again and settled.
Q Did you go out of the Nation during the war? A. Went to the Choctaw Nation.
Q Did you come back? A. Yes sir.
Q When? A. In '65.
Q The same year the war ended? A. It wasn't good peace yet when I come.
Q Are you certain that you saw this woman in '67? A Yes sir I seed her fater there in '67 and then I come back she was right there with her father Ben Alberty.
Q With her father? A. Yes sir.
Q Did they have any other children? A. Yes sir.

NELSON MURRELL called and sworn as a witness for the applicant-
(By Mr. Smith)
Q What is your name? A. Nelson Murrell.
Q Where do you live? A. In Cooweescoowee district.
Q How old are you? A. 77.
Q How long have you lived in the Cherokee Nation? A. I have lived here all my life, in here and the old country.
Q What do you call the old country? A. Tennessee and Georgia where the Indians were.
Q Do you know this applicant, Emma Powell?A Yes sir.

Q Did you know her mother? A Yes sir.
Q What was her name? A. Rhoda Alberty.
Q To whom did she belong before the war? A. John Alberty, known as Lng John.
Q Was he a Cherokee citizen? A. Yes sir.
Q Where did he live? A. Pryor creek.
Q Do you know if they were taken out of the Cherokee Nation during the war? A. Yes sir.
Q When did you first see this applicant Emma Powell in the Cherokee Nation after the war? A. First time I saw her I saw her on Snow creek in '66.
Q What time in '66? A Spring of '66.
(By Bell)
Q Where were you living then? A. On Snow Creek, in Cooweescoowee
Q What time dd you come back after the war? A. In '66.
Q What time of the year? A. Spring of '66.
Q How early in the spring? A. Early in the spring.
Q Who came with you? A. Jow Ross.
Q You didn't come with Ben Alberty then? A. No sir he didn't come with me.
Q How far did you live from Ben Alberty on Snow creek? A About a miles and a half.
Q Did you make a crop there in '66? A Yes sir.
Q What was it? A Beans and corn.
Q Did you find a place already cleared out? A. I found an old Osage patch that had been cleared.
Q How much of a patch? A About 4 acres.
Q Did Ben Alberty have in a crop? A He has a small patch too.
Q How much? A. 2 or 3 acres.
Q Just what particular place is that on Snow creek that you and Ben had farms? A I had mine on the east side a mile from the mouth of Snow Creek and Ben's was a mile and a half on Snow creek North of the main Military road.
Q Did you or Ben live on the road? A. Ben lived on the road.
Q Now tell me what does Snow creek empty into? A. Virgigris river.
Q How far is that from Coffeyville? A 8 miles about.
Q You found an Osage patch? A. Yes sir.
Q And Ben found one too? A. Yes sir.
Q You was on the east side of Snow creek a mile from the mouth of it? A. Yes sir but not right on the creek.
Q How far from the creek ? A 3/4 of a mile.
Q How far from the river? A. About half a mile from the river.
Q Was Ben right on the creek? A Yes sir right on the creek, his house was 50 yards from the creek.
Q Right where the road crosses it? A. Yes sir.
(By the Commissioner.)
Q Are these children all living now and with you? A. Yes sir
Q Are you living with your husband now? A. Yes sir.
Q You dont apply for him though? A. Yes sir.

By Com'r Needles-

Emma Powell applies for herself and her children, to-wit: Hattie Ross, Lula Ross, Gertie Ross, Lillie G. Ross, Mamie Powell, Jessie Powell, Eddie Powell, Ora D. Powell. She avers that she is married now to Larkin Powell a non citizen; she avers that she was previously married to Lewis Ross, by whom she had four children, her four eldest children, and that the remaining children are by her husband Powell; she avers that she was a slave of one John Alberty who was a Cherokee citizen; she is identified on the Kern Clifton roll as Emma Powell, and on the Wallace roll as Emma Ross, the name of her first husband. The names of all her children except the youngest are identified on the Kern Clifton roll, her second child being

identified as Hattie Bell, her proper name being Hattie Ross; she makes no satisfactory proof as to her youngest child and it will be necessary for her to file with this Commission satisfactory certificate of its birth. She make satisfactory proof as to her residence, and she will be listed for enrollment as a Cherokee Freedman with her children as enumerated herein, on a doubtful card because of the fact thatshe is not identified on the authenticated roll of 1880 and because her enrollment is contested by the Cherokee Nation. She will be notified by mail of the final decision of the Commission in regard to her application.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise

Subscribed and sworn to before me this the 7th of June, 1901 at Chelsea, I. T.

(Signed) T. B. Needles,

Commissioner.

= = = = = = = = = = = = = = =

I, Chas. von Weise, upon my oath state that the foregoing is a true copy of the original.

Subscribed and sworn to before me this 30th of August, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6, 1901.

In the matter of the application of Lewis Ross for enrollment as a Cherokee Freedman.

Lewis Ross, being duly sworn, and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Lewis Ross.
Q How old are you? A I am 42
Q What is your postoffice? A Melvin, I.T.
Q In what district do you live? A In Tahlequah district.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir
Q Do you want to enroll anybody besides yourself? A Nobody but myself.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Joseph Ross.
Q Is he alive? A Yes sir.
Q Give me the name of your mother? A Sarah Ross.
Q Is she alive? A No , she is dead.
Q How long has she been dead? A She has been dead about a couple of months I think.
Q Is your father a Cherokee Freedman? A Yes,sir.
Q Was your mother a Cherokee Freedman? A Yes sir.
Q To whom did you belong when the war broke out? A John Ross, I think
Q The old chief? A Yes sir.
Q You were a slave of his in the Nation here? A Yes sir.
Q Were your father and mother married at the time the war broke out? A Yes sir, I reckon so.
Q
Q Did your father live with your mother until she died two months ago? A Yes,sir.
Q Where did you go with them during the war? A I went to Kansas.
Q Did you come back when they came back? A Yes sir.
Q Did your mother and father come back to ether? A Yes sir.
Q Did you have a sister named Ida? A Yes sir.
Q And a sister named Eliza? A Yes,sir.
Q They are both dead now? A Yes sir.
Q They were your full sisters? A Yes sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q You are not on the 1880 roll? A No sir.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Did you draw Cherokee strip money? A Yes sir.

The Kern-Clifton roll examined and the applicant identified thereon page 145, No. 3600, Cooweescoowee district.
The Wallace roll examined and the applicant identified thereon page 137, No. 2869, Cooweescoowee district.

Q You have no children; you have never married? Yes sir.
Q You have no children? A Yes sir.
Q How about applying for your children? A They are done applied for through their mother.

Commissioner : The applicant is identified on the Kern-Clifton and the Wallace rolls, but not upon the roll of 1880 or 1896. He states that he has lived in the Cherokee Nation all his life except his absence during the war in Kansas, and he appears to have been a slave of Chief Ross of the Cherokee Nation at the time the war came on. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for evidence in his case , there will be filed herewith the evidence in the case of his father, Joe Ross, Cherokee Freedmen Doubtful card D-542, and the same giving in full the status of the applicant's father and of his mother, the latter being deceased now some two months. When the final decision of the Commission is reached, it will be communicated to the applicant at his post office address.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed Bruce C. Jones

Sworn to and subscribed before me this 6th of June, 1901.

(Signed) T.B. Needles,
Commissioner.

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Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that same is a full, true and correct copy of the original transcript, now on file with the Commission.

Lucy M Bowman

Subscribed and sworn to before me this 28th day of December 1904.

Charles H Harrington
Notary Public.

File with C. F. D- 476, Sarah Robinson,

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 6th, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedman; said Murrell being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Smith & Mollette, for Applicants;
Mr. W.W.Hastings, Cherokee Representative.

Q What is your name? A Nelson Murrell.
Q How old are you? A 77.
Q What is your post-office address? A Coffeyville.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself? A Myself and wife.
Q What is the name of your wife? A Flora.
Q How old is Flora? A About 67.
Q Is your name on the roll of 1880, Mr. Murrell? A No, sir.
Q Is your wife's name not on the roll of 1880? A No, sir.
BY MR. SMITH:
Q What is your post-office, Mr. Murrell? A Coffeyville, Kansas.
Q How far do you live from Coffeyville? A About eight miles south.
Q In the Indian Territory? A Indian Territory.
Q What Nation? A Cherokee.
Q Were you yourself born a slave? A Yes, sir.
Q Who was your master? A Well I was born a slave of one Nave.
Q Do you know what Nave it was? A Henry Nave.
Q Was he a Cherokee Indian? A His wife was.
Q What was her name? A Susie Nave.
Q Do you know what her name was before she married Henry Nave?
A Susan Ross.
Q Was she a Cherokee Indian? A Yes, sir.
Q Were Henry Nave and his wife citizens of the Cherokee Nation?
A Well, his wife was a Cherokee and he was adopted citizen by marriage.
Q Where did they live before the war? A Well, before the war the first I knew of them they lived in Georgia.
Q Did they ever live here in the Indian Territory? A Yes, sir.
Q In what part of the Nation? A Tahlequah District.
Q Where were you when the war commenced? A I was right near Tahlequah.
Q With what family of people? A With the Murrells, George Murrell
Q Did you go out of the Cherokee Nation before the war?
A Yes, sir.
Q Where did you go to? A Up in Kansas.
Q When did you return the first time to the Cherokee Nation after the war? A I returned the first time in '65, February, '65
Q Where did you come to? A I came to the Cherokee Nation.
Q What point? A Up in Coowescoowee.
Q Well near what place? A Snow Creek vicinity.
Q How far from what is now the town of Chelsea? A I don't know exactly how far from Helsea town, about 35 or 40 miles; this is the first time I ever was at Chelsea.
Q Did you make more than one trip to the Cherokee Nation?
A Yes, sir.
Q Well after you came in 1865 when did you come out again after you went out? A Went back again about a month after I came in '65.

Q Did you return to the Cherokee Nation at any time after that'
A Yes, sir.
Q About when? A Came back in July.
Q Of what year? A Same year.
Q Did you remain here at that time? A No, sir.
Q What did you do then? A Went back.
Q When did you return then to the Cherokee Nation? A In '65, in the fall, in '66 and '65 I mean in the fall.
Q Well where did you locate? A I located on the Verdigris on the east side of the Verdigris, west side of Snow Creek.
Q When? A I located on the east side of the Verdigris, west side of Snow Creek.
Q When was it you made that location? A I made that location in '75 where I live.
Q Where had you been up to 1875? A I had been back to Kansas.
Q When wasit now you said you first came down here? A I come down in February, '75.
Q You don't mean '75? A No, sir, '65.
Q Now when did you first make that first location? A I made it the same time.
Q You said Mr. Murrell, '75, a while ago? A I took that back, I made a mistake.
Q Well when was it? A I come in '65.
Q That is what you said when I asked you when you made your first locatin? A My first location I made it in February, '65.
Q Where have you lived since that time? A I stopped in Kansas a little while, I never did live in Kansas.
Q Who is your wife now? A Flora Murrell.
Q How long have you known her? A I have known her 40 odd years.
Q When did you first get acquainted with her? A I got acquainted with her 40 years ago perhaps, maybe more I wont be positive.
Q Where? A Close to Tahlequah, Park Hill.
Q Before the war? A Yes, sir.
Q Where did you next see her after the war? A Next seen her after the war, I saw her up on the Verdigris where I live now, that was after the war.
Q Well, when did you see her next? A I saw her along about '73, there where I lived.
Q Well, where were you living? A I was living out there near Snow Creek.
Q Was she ever married before she married you? A Well, sir, she come there a married woman.
Q What was her husband's name? A Robert Vann, Louin Vann in Cherokee.
Q When did you marry? A I married about 26 years ago.
Q Have you and she been living together ever since? A Yes sir.
Q Where? A Up where I live now, Snow Creek.
Q How long had you been back here after you made your location here in 1865 before you first saw her? A It was about two years.
Q You don't know where she was in 1866? A No, sir.

BY MR. HASTINGS:

Q You come down in 1865? A Yes, sir.
Q Who come with you at that time? A Joseph Ross and Frank Nave.
Q Anybody else? A That is all.
Q Where did you come to? A Come on Verdigris.
Q Near Snow Creek? A Yes, sir.
Q How long did you remain up there? A About one month, somewhere along about that.
Q Where ddyou go from there? A I went back to Kansas.
Q How long did you stay in Kansas? A I come back the next time in June.
Q The following June? A Yes, sir.
Q What did you do then in June? A Cut hay
Q You put up hay then did you ? A Yes, sir.
Q Then you went back did you? A Yes, sir.

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Q Well when did you come back then? A I come back in the fall.
Q Same fall was it? A Fall of '66.
Q Was it the same fall you put up the hay in June? A Fall of '66.
Q Answer my question did you come back the same fall that you put up the hay? A Yes, sir.
Q You put up hay after you were here in June? A Yes, sir, I come back in the fall of '66, I know that.
Q The first time you ever come here that was in February? A Yes, sir.
Q According to your testimony you stayed here about a month? A About a month.
Q You and Joe Ross and Frank Nave? A Yes, sir.
Q Frank Nave is dead isn't he? A Yes sir.
Q Now, you stated you stayed here about a month at that time? A Yes, sir.
Q Then you went back to Kansas? A Yes, sir.
Q Now, you stated that you came back here the following June and put up hay, is that true? A That is true.
Q Now, then you went back to Kansas again? A Yes, sir.
Q Now, the next time you moved is that correct? A Yes, sir.
Q And that was the following fall? A Yes, sir.
Q Now, the first tije you come here was in February, '65? A Yes, sir.
Q Now, who come with you when you come in June? A Joseph Ross, Posy Gibson, Ben Pee and Caesar Hog.
Q That was all was it? A Yes, sir.
Q Did you see any colored people, anybody when you first came? A Yes, sir.
Q Who? A Amos Adair.
Q You testified in Amos Adair's case the other day didn't you? A I did.
Q Did you see any colored people here the following June when you come? A Mr. Adair.
Q He was here in June was he? A I think he was, if I mistake not.
Q That was the June after you were here in February? A Yes, sir.
Q Now, what other colored people did you see down here, in June, any besides Amos Adair? A Only Amos Adair.
Q You never saw any colored people while you were on that trip? A No, sir, not on that trip.
Q Now about what time did you return to locate? A I returned to locate the third time in the same following fall.
Q In the same following fall? A Yes, sir.
Q About when? A Along about the first of the fall, I don't know exactly.
Q You don't remember the month? A No, I don't remember the month
Q Do you think it was as early as September? A It hadn't got cold yet.
Q The leaves were on the trees? A Yes, the leaves were on the trees.
Q You never lived about Fort Scott, Kansas did you? A No, sir, I never did live there.
Q You didn't make a crop on the Stuart farm did you? A No, sir. I don't know nothing about Stuart.
Q Did you make a crop up there? A Yes, sir.
Q On whose place? A I made a little crop on John McKibben's place one year.
Q What did you raise? A I raised a little corn.
Q What year was that? A That was while the war was going on, I think it was in '63.
Q Wasn't you in the army? A No, sir, wasn't in no army.
Q You never made a crop in 1866? A No, sir.
Q Did you make on in 1866? A No, sir.
Q Did you make a crop up there in '67? A No, sir, I wasn't up there

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Q Did you know a man by the name of Rector? A Yes, sir.
Q What county was he in? A Bourbon County, (Kansas.)
Q Did you know Mrs. Brumby? A I got acquainted with her down here
Q You never knew her up there? A No, sir.
Q You never saw her before? A Never saw her before I saw her here.
Q Where did you get acquainted with her here? A She was at my house.
Q On Snow Creek? A Yes, sir.
Q You come, then, and located on Snow Creek, did you? A Yes, sir, on Snow Creek.
Q You had built that house in there in February before? A ~~Xxxx~~ ~~xxxxxxxxxxxxxxxxxx~~ A February before.
Q Where did you spend the winter before that? A The winter before that.
Q The winter before you come down here? A Near Mound City.
Q Murrell, do you belong to the Freedmen Protective Association?
A Yes, sir.
Objection to by Attorney for Applicant because it is incompetent, irrelevent and immaterial.
Objection overruled by the Commission.
Q Who are your witnesses? A Joseph Ross.
Q Does he belong to that Association? A I don't know whether he does or not.
Q Don't you know the members of it? A Yes, he belongs to it.
Q Who is any other witness? A Steven Looney.
Q Does Steven Looney belong to it? A I don't know whether.
Q Does he belong to it? A I don't know; he lives in another neighborhood.
Q About how far from you? A About three miles.
Q You don't have different ~~xxxxx~~ Associations every three miles?
A Might have different places where we meet.
Q About how many belong to your association? A I don't know.
Q Well, about how many? A Maybe 20 or 30.
Q Are your meetings held in secret? A No, sir.
Q What is the object of it? A To protect one another and keeping out all people that don't belong to the Cherokee Nation.
Q Have you ever given any information to keep out any from the Cherokee Nation? A No, sir.
Q You have testified for several? A Yes, sir.
Q You were at Fort Gibson? A Yes, sir.
Q You went down there as a member of the Committee? A I went down there with a man.
Q You are down here as a member of the Committee? A Yes, sir.
Q What other witnesses have you got? A Sam Webber.
Q Does he belong to your association too? A I don't know nothing about Sam Webber.
Q Don't you know the membersof your Association? A I know the members where I live; Sam Webber lives At Nowata.
Q Well now, does this Joe Ross belong to it? A Yes, sir.
BY MR. SMITH:
Q What did you say that the purpose of that association was.
A The purpose of that Associciation is Cherokee Freedman Protective Association, Cherokee Freedman.
Q What is the purpose of it? A It is to protect one another in helping one another through this Court I suppose to be Cherokee Freedmen; on the outside no one belong to it but Cherokee Freedman, or there has no right to be there; that is the order.
BY W.W.HASTINGS: It is a secret order is it? A No, sir; no man comes in there belonging to the United Statesm he has no right in that order.
BY MR. SMITH:
Q Mr. Murrell, do you know how many of those Associations there are? A No, sir; I don't know exactly there may be three or four, four or five, as far as I know.
Q You were asked if you had testified for a good many of the appli-

cants? A Yes, sir, I wasked asked that.
Q You stated that you had I believe? A I had for a good many.
Q Have you testified for any applicant except those that you know to have been here in 1866? A No, sir, I haven't; I deny the charge
Q You have been in attendance consistently upon this Commission since it has been meeting at Chelsea? A No, sir.
Q Have you heard any Cherokee Indian Testify in favor of those applicants? A All come back in '70, I haven't heard nary one.
Q How many people on the part of the Cherokee Nation have you observed on this front row right here (indicating.(? A Oh I have observed several.
Q Do you know what they are doing? A I see some slipping in little slipshere to Mr. Hastings and others saw they preparing ~~xxxxxxxxxxxxxx~~ them around there and slipping them here.
Q Do you know in what capacity they are retained here? A No, sir, I can't tell.

BY MR. HASTINGS:

Q Mr. Smith has been the attorney of a good many hasn't he?
A You know how many he is for.
Q He has the calling hasn't he? A Yes, sir.
Q He was not called any Cherokee citizens has he? A No, sir.
Q Mr. Murrell, there is about two thousand recognized Freedmen on the roll of 1880? A I don't know anything about how many.
Q The Cherokee Nation made that roll? A Till you got there with them I don't know.
Q The Cherokee Nation made that roll? A Yes, sir, I suppose so.
Q And they recognized in 1880 about two thousand old slaves?
A Yes, sir.

BY MR. SMITH:

Q Do you know of any old slaves they didn't recognize in 1880?
A Yes, sir, I do.
Q Were you here when that census was taken? A Yes, sir.
Q Do you know how that census was taken? A Yes, sir.
Q How? A They went to work and taken that census and went through the country, and I was living at that time up near Coffeyville, where old Parker was at that time; these census takers would come up there and sometimes they would get drunk and overlay their time and then they would go to the nearest house and ask who lives over there and they would tell them.

BY MR. HASTINGS: You don't know that? A Yes, sir; I know it, I know it to be a fact.

Q The National Council revised and authenticated this roll of 1880 didn't they? A I don't know; they done so many things, I don't know what they done.

BY COM'R NEEDLES:

Q Did these census takers come to your house and enroll you in 1880? A No, sir, not at that time.

STEVE LOONEY, called as a witness and being duly sworn by Commissioner T. B. Needles, testified as follows:

EXAMINATION BY MR. SMITH:

Q What is your name? A Steve Looney.
Q Where do you live, Mr. Looney? A I live up on the Verdigris.
Q How long have you lived there? A I have been living there ever since the fall of '66.
Q Have you got any brothers and sisters? A I have a sister I have no brothers.
Q What is your sister's name? A Frances.
Q Frances what? A Frances Patterson, if she goes by her husband's name, and have one named Mandy.
Q Do you know Nelson Murrell? A Yes, sir.
Q How long have you known Nelson? A I have been knowing him pretty near all my life, ever since I was a little boy.
Q How old do you say you are? A About 58.
Q Where did you know Nelson first? A Knowed him at Park Hill

Q Where was Park Hill? A Down in the Cherokee Nation there.
Q Near what town now? A Tahlequah.
Q Do you know who he belonged to? A He belonged to George Murrell; that is his Massy's name; he belonged to his Mistress, Wendy Murrell, she is a Cherokee.
Q Did he ever belong to anybody else except them? A Not as I know of.
Q Not that you know of? A Not as I know of.
Q Which is the older you or he? A He is older than I am.
Q Do you know whether he went out of the Nation during the war? A Yes, sir.
Q Did he? A Yes, sir, I guess he did.
Q When did you first see him back here in the Cherokee Nation after the war? A Well we come together come to the Cherokee Nation.
Q Where did you come from? A Come from Fort Scott, Kansas.
Q Where did you come to? A We come on the Verdigris river here Cherokee Nation.
Q Well, when did you come? A We come in the fall of 1866.
Q Where did you come to, what point; you said on the Verdigris river, now whereabouts? A Right close to Gooseneck bend.
Q Where have you been living ever since that time? A I have been living right where I live now.
Q Howfar does Nelson Murrell live from you? A It must be three milres or more, about three miles and a half I guess.
Q Something near three miles and a half? A Yes, sir.
Q Well, where has Nelson Murrell been living all this time? A Been living right where he is now.
Q Since when? A Since we moved there in '66, the fall.
Q Do you know his wife, Flora Murrell? A Yes, sir.
Q When did you get acquainted with Flora? A Well, I used to know her before the war.
Q How long had she and Nelson been married, do you know? A I don't know.
Q Well, is it a long time or short time? A Been a good while ago.
Q Are they living together up there now? A Yes, sir.
BY W.W.HASTINGS:
Q What was his wife's name when you first knew her? A If I ain't mistaken it is a Melton.
Q Melton? A Yes, sir, if I mistake not.
Q Who did she belong to before the war? A If I aint mistaken, might be mistaken, George Melton, or Lewis Melton, it was the Melton family, there was a whole lot of them.
Q Where did she live before the war? A They did live there a while at Park Hill.
Q Where did you live? A I lived on Illinois river.
Q Do you think they belonged to the Meltons? A Yes, sir.
Q Was she and Uncle Nelson married before the war? A No, sir, I think not.
Q Wasn't they living in Kansas together? A I don't think she was.
Q Well when did you first see them living together? A Well that is when I was telling you I don't know howlong since they was married.
Q When did you first see them, how long ago? A He was up on Snow Creek.
Q Did he bring her back with him when you come with him? A I don't think he did.
Q When did he bring her? A I could not tell you that.
Q You can't say whether he brought her with him or not? A No, sir.
Q Who did he bring with him? A He brought a woman by the name of Eliza.
Q Is she living? A No, sir; she is dead.
Q When did she die? A She has been dead a good while ago, I

could not tell you just how long it has been.
Q How long was it after the war was it until you saw this woman?
A Well I could not say that either, it has been a good while ago.
Q Do you know whether she was ever married before? A No, sir, I could not tell that.
Q What is the first time you were ever down here after the war?
A I come in the fall of '66.
Q That the first trip you ever made? A That is the first trip to my recollection.
Q That is when you moved down? A Yes, when I moved down.
Q About what time in the fall was it? A Kinda cold, late in the fall.
Q Pretty near Christmas? A It might have been.
Q About how long was it after the treaty, after you heard of it until you come? A I told you once I didn't know about what time, it might have been close to about a year, couldn't tell you exactly, never kept any dates, I come back in that fall.
Q You never kept up with dates very well? A No, don't know anything about it.
Q You didn't come down with Uncle Nelson in June or July before?
A No, sir.
Q Did he have any house built down there? A If he did I disremember.
Q You didn't see it? A No, sir.
Q Did he have a crop down there? A No, sir.
Q No corn? A No, sir.
Q Have any hay? A Well he might have had hay; I didn't stop around him very long, I moved right across the river.
Q How far did you locate from him? A It must be three miles or three miles and a hald.
Q Did he come in a wagon? A Yes, sir.
Q How many wagons did Uncle Nelson have? A One as I know of.
Q Only one team? A Yes, sir.
Q Well, where did you get in with Mr. Murrell at? A Fort Scott.
Q Did he live there in Fort Scott? A Not right in Fort Scott he didn't.
Q On whose place was he living? A I disremember the man's name now.
Q Do you think you would remember it if I was to call it?
A I don't know whether I would or not.
Q Do you remember a man's name by the name of Stuart? A I don't believe I do.
Q Do you know whether he made a crop down here that year that you moved down here in the winter? A I don't know whether he did or not.
Q He was living on a farm near Fort Scott? A Yes, sir.
Q And there is where you got up with him? A Yes, sir.
Q Do you belonged to uncle Nelson's Freedman Protective Association?
A I told you not.
Q You live within three miles from him? A Yes, sir, I could live in the house and then not belong to what he did.
Q He testified for you? A Yes, sir.
Q And you are testifying for him? A Yes, sir.
Q Yet you don't belong to his Protective Association? A Wasn't nobody up there to have as a witness, nobody there; if there had been anybody there I probably would have had different people.

JOE ROSS, being duly sworn by Commissioner T.M.Needles, testified as follows: BY MR. SMITH:
Q State your name? A Joe Ross.
Q How old are you? A I am about 60 years old.
Q Where do you live? A Up in Cooweescoowee.
Q What is your post office? A Coffeyville.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation all my life.

Q Did you go out of the Nation during the war? A Yes, sir.
Q Do you know Nelson Murrell? A Yes, sir.
Q ~~Do you know~~ Was he out during the war, or did you know about that yourself? A Out during the war.
Q Yes, was he out during the war, or didyou know? A Yes, he was out during the war.
Q When did you next see Nelson Murrell in the Cherokee Nation after the war? A When I first seen him me and him came down to the Cherokee Nation from Kansas.
Q When did you come? A In '65 first.
Q Where did you come to? A Down here on the Verdigris.
Q In what district? A Cooweescoowee District.
Q That was Cherokee Nation? A Yes, sir.
Q Well, where have you been living ever since that time?
A I have been living right here.
Q What do you mean by right here? A In Cooweescoowee until we come back.
Q How far do you live from where Nelson Murrell lives?
A We live right close together.
Q How close together? A We stayed pretty near in one house pretty near together.
Q Do you mean now? A Not now, he stays on one side of Snow Creek and I stays on the east side.
Q Howfar do you live from him now? A About two or three miles.
Q Do you know where Nelson Murrell has been living since you and he came back here in 1865? A Yes, sir.
Q Where? A Right where he is living now.
Q And where is he living now? A Verdigris.
Q In what Nation? A Cooweescoowee.
Q Cooweescoowee District you mean? A Yes, sir.
Q Well, what Nation is it in? A Cherokee Nation.

BY MR.HASTINGS:

Q Do you know what Nation this is, are you positive? A I know is is Cherokee Nationall right.
Q Do you know what district it is? A Yes sir.
Q What? A Cooweescoowee District.
Q Uncle Joe, what year is this? A I don't know, sir.
Q Do you know any year? A Kighty little.
Q Don't know anything about dates? A No, sir.
Q Do you know what year you were born? A No, sir, I don't know that.
Q Do you know what year you were married? A No, sir.
Q You don't know about any other than, anything but the one you mentioned? A Yes, sir.
Q That is the only year you know? A No, sir.
Q What other year do you know? A '65.
Q Don't you know any other year? A No, sir.
Q You never heard of any other year? A Yes, sir.
Q What other year did you hear of? A '66.
Q Did you ever hear of any other? A No, sir.
Q You never heard of any other except these two? A No, sir.
Q Where did you live before the war? A Lived with John Ross.
Q Didyou know Nelson Murrell's wife? A Yes sir.
Q Flora? A No, sir; one he lived with up there, I knowed his wife was Eliza Murrell.
Q Well his present wife; is that his present wife? A Yes, sir.
Q Well, I didn't know that that is the wife he is living with now?
A Yes, sir.
Q How long have you known her? A (No response.)
Q You come to Snow Creek did you? A Yes, sir.
Q About what time of the year did you come to Snow Creek? A Come there in '65 the first trip I made.
Q About what time of the year was it? A Well, sir, I don't know what time it was, it was cold.

Q About Christmas? A No, it was not Christmas.
Q Well, wasit before Christmas or after Christmas? A No, it wasn't, it was sometime, it was cold weather, I don't know what time it was.
Q Snow on the ground? A Snow ketched us on the ground before we went back.
Q Who come with you? A Me and Nelson Murrell and Frank Nave.
Q How long did you stay her? A About a week and some nine or ten days.
Q The snow caught you on the ground while you were down here?
A Yes, sir.
Q What did you come down for? A We fetched a load of flour down.
Q Is that the old time you were down here before you moved?
A That was before I moved I come down here.
Q Then the next time you come down you moved? A No, sir, I come two trips, third trip I moved.
Q Who come with you the second trip? A Me and Murrell.
Q Who else? A Posy Bigson.
Q And who else? A That is all I remember.
Q What did you do that time? A We cut some hay and put up.
Q What time of the year was that? A I don't know, sir, what time of the year that was we cut some hay to put up.
Q How long did you say? A We stayed a week or so.
Q What did you cut hay with? A Mowing blade, grass blade.
Q And put it up in stacks? A Put it up in stacks.
Q You didn't build any houses then? A We built our houses before that.
Q Was that in 1886 you come that time? A In '86, wewent up and moved out folks down to our houses.
Q You have lived up there on Snow Creek ever since? A Yes, sir.
Q Uncle Nelton testified for you in your case? A Yes, sir.
Q And you are testifying for him in his? A Yes, sir.
Q Do you belong to Uncle Nelson's Freedman Protective Association?
A I didn't know they had a Freedman.
Q Do you belong to it? A I don't know whether I is or not.
Q Do you belong to an Association of colored people? A Yes.
Q Good many people
Mr. Smith: Mr. Court, I want to make a formal objection because it is irrelevent, incompetent and immaterial.
Objection is overruled by the Commission.
Q I want to ask you if a great many don't belong to that association up there? A (no respon e.)
Q Say, Joe, don't a good many people belong to that Association?
A Not a good many of them.
Q About how many? A I don't know how many there is a few of us.
Q It is a Secret Association isn't it? A I guess it is.
Q You only let certain persons in? A We let all come in we don't want to come in.
Q Steven Looney belonged to it? A I don't know whether he ax his or not.
Q You don't know the mehmers of it? A I know 'em, but they.
Q You can't tell them? A No, sir.
Q You are not allowed to tell them? A No, I ain't.
Q You are not allowed to tell the purpose of it are you? A No, sir.
Q It is a secret association then isn't it? A It must be.
Q Where did you see, first know Nelson Murrell's present wife, the wife he is living with, where did you first know her? A I knowed her where she is now, in the Cherokee Nation.
Q Well, when did you first know her? A I have been knowing her all my life.
Q Who did she belong to before the war? A She belonged to old man Nelton.
Q When did she and Nelson marry? A I don't know, sir, when they married.
Q Before or after the war? A Well, before the war; yes, before the war.

Q Did Nelson bring her down here with him when he came back with you? A No, sir.
Q Well did he bring her down here when he moved his family? A No, sir, he didn't.
Q Well, who did he bring? A He brunged his wife with him what he had up there, Eliza Williams.
Q That is not the wife he is living with now? A No, sir.
Q Well had he married this wife before the war? A Which wife?
Q This one he is living with now? A No, sir.
Q He didn't? A No, sir.
Q He never married her until after the war? A No, sir.
Q Well, how long after the war until you saw this woman? A I saw her, don't know how longit was.
Q Did she come along with you people? A No, sir, she didn't.
Q Do you know who brought her down here? A No, sir.
Q Do you know when she come? A No, sir.
Q You don't know how long after the war? A No, sir.
Q Do you people in your Association agree to help each other get up your testimony? A We don't have any testimony to get up.
Q Never made any agreement of that kind? A No, sir.
Q You appointed uncle Nelson as a member to go down to Fort Gibson? A I didn't appoint him.
Q I mean that Association down there they sent him down there? A No, sir, they didn't.

BY MR. SMITH:

Q I believe you stated that you didn't see and you didn't yourself know where Flore Melton was when you and Nelson came back down here in 1866? A No, sir; I don't know where she was.
Q Do you know how long it was after that before Flora and Nelson married? A No, sir.
Q Can't say? A No, sir, I can't say.
Q Now, who was Nelson's wife before he married Flora? A Eliza Williams.
Q Eliza was her name was it? A Yes, sir.
Q Well, Nelson was not married to Flora before the war was he? A No, sir.

FLORA MURRELL, being called and sworn by Commissioner E.E. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Flora Murrell.
Q How old are you? A Well if I remember right I think the last day of this last June I was 70.
Q Where do you live? A I live on Snow Creek between Snow Creek and the Verdigris River.
Q In what Nation? A In the Cherokee Nation.
Q How long have you lived there, in the Cherokee Nation? A All my life.
Q Were you born a slave? A Yes, sir.
Q To whom did you belonged at the time the war commenced? A Lewis Melton and Susie Melton.
Q Were they Indians? A Yes, sir.
Q Citizens of the Cherokee Nation? A Yes, sir.
Q Where were you during the war? A I was up in Big Bend.
Q Where is Big Bend? A Up on the Arkansas River.
Q In what Nation? A Well it was in the Cherokee Nation.
Q Did you go out of the Cherokee Nation at all during the war? A No, sir.
Q Where were in the year 1866 , immediately after the war closed? A I was at Big Bend, I don't know none of that time.
Q You don't know dates? A No, sir.
Q Well, have you ever lived out of the Cherokee Nation at all? A Never has.
Q Who were the members of the family of Lew Melton and his wife, about whom you have spoken? A Susie Melton, Nancy Melton and Mary

Melton, and had a daughter named Susie, George and Catherine and Edward Melton, Moses Melton.
Q In what part of the Nation were you living when the war commenced? A We was living on the place where.
Q Don't care about the place but what part of the Cherokee Nation were you living? A Bird Creek.
Q What town would that be as the towns are built now? A There wasn't no towns near us then any nearer than Tahlequah.
Q Well, how far did you live from Tahlequah? A They called it a hundred miles.
Q You don't know how far it was? A No, sir.
Q Now, thisplace you are talking about living what town if any has been built up near that place since? A I don't know sir is there is any, I ain't been to the place since the war.
Q You state that you weren't out of the Cherokee Nation during the war? A No, sir, I wasn't.
Q Have you ever been married before you married Purnell?
A Yes, sir.
Q Who was your husband? A Louin Vann, they called him in Cherokee, his name was Robert Vann in English.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Joe Vann.
Q Was Joe Vann an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q How long were you and Louin Vann married? A Well, I don't know hardly just how long we was married.
Q Did you have any children while you were his wife? A Yes,sir.
Q What are their names? A We had eight children, I haven't got but three living.
Q Give me the names of these children? A Sonny Smith.
Q Is that a man or woman? A He is a man.
Q And what is the next one's name? A Charley Vann.
Q What is the next child's name of the three living? A Lila Hopkins, she is married..
Q Is that meant for Delilah or just Lilah? A Meant for Delilah but we just called her Lilah.
Q Is she married? A Yes, sir.
Q When did she marry? A She married Oliver Hopkins.
Q Where does she live? A She lives on Caney.
Q In what Nation? A Cherokee Nation.
Q How long has she lived there? A I don't know just how long she has been there, pretty near ever since they have been married.
Q How long have they been married? A I don't know; been married long enough to have seven or eight children.
Q How old is the oldest child? A I don't know, I think she is in her sixteenth year.
Q Where was Lilah before she married? A She was living with me.
Q Where did she live up to the time she was married? A With me.
Q Where does your son, Charley Vann, now live? A He lives in about a half a mile from me.
Q Where? A On Snow Creek.
Q In what Nation? A Cherokee Nation.
Q Is Charley married? A No, sir.
Q What is his wife's name? A Her name is Kizzie.
Q How many childrenhas he got? A One.
Q What is its name? A William Vann, she is a girl.
Q These three children, Charley Vann, and Lilah Vann and Sonny Smith are your children? A Yes, sir.
Q Where had Charley lived up to the time he was married?
A Lived out here with me.
Q Where did Sonnt live? A He lived out home with me, when he was not working out.

Q Where does Sonny live now? A I know not where.

BY COM'R MIDDLES:

Q Flora, you say you never lived out of the Cherokee Nation?
A No, sir.
Q You were born a slave? A Yes, sir.
Q Is your name on the roll of 1880? A Not as I know of.
Q Why is it not on? A I know when they was taking the census of 1880, Rufus Ross taken them, he come up there, he didn't go up to my house, and mother went out and she come back and got me and when I gotup there it was late in the evening and Rufus told me to come back the next morning and meet him at Chouteau and he would put my name down and when I went there he was gone.
Q Your name never did get down? A No, sir.
Q Are you married to Murrell? A Yes, sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants nfound thereon as follows:
Page 170 #4184, Nelson Murrell, Cooweescoowee District.
Page 125, #3101, Flora Murrell, no district given.
The Wallace rollof Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 127, #2672, W. Nelson Murrell, Cooweescoowee District.
Page 128 #2689, Flora Murrell, Cooweescoowee District.

BY MR. HASTINGS:

Q You made a statement here about Rufus Ross taking the census roll in 1880? A I don't know what year it was, I don't know as I said what he taken the census.
Q You don't know whether it was in 1880 then or not? A No, sir, I don't.
Q Were you living with Nelson Murrell then? A I was married to Mr. Murrell then living at home with him.
Q Do you remember what year you were married to Mr. Murrell? A No, sir.
Q Do you remember how long after thewar? A No, sir, I don't.
Q How old is Charley Vann? A I don't know that just exactly but I think he is along about 33 or 34, I don't know exactly.
Q Where was Charley born? A Born at Big Bend.
Q Big Bend where? A It was up on the Arkansas.
COM'R MIDDLES: Cherokee Nation? A Ut was Cherokee Nation then.
MR. HASTINGS: It was then? A Yes, sir.
Q Where was Delilah born? A On the Arkansas river.
Q Which is the older she or Charley? A Charley.
Q How much older is Charley? A Oh I don't know just exactly between two or three years.
Q Where was Sonny Smith born? A He was born up on Bird Creek.
Q Is he older or younger than the other two? A Yes, is the oldest child.
Q Where were you living when the war come up? A I was living at the Big Bend.
Q Were you then a slave? A Yes, sir.
Q Whom did you belong to? A I belonged to Lewis Melton.
Q Did Lewis Melton ever live in the Big Bend of the Arkansas? A No, sir.
Q Well who were you living with out there? A I was living with my husband.
Q Had you run off? A Yes, sir.
Q How long had you been away from your owner? A About four years.
Q Had you been living out there in the Big Ben all that time? A Yes, sir.

Q You didn't go to Muskogee? A No, sir.
Q Never went outside of the Cherokee Nation? A Well if you call that strip and one side of the Arkansas river that is where I was.
Q What were you doing up there that four years? A I was hiding.
Q How did you make your living? A My husband was a hunter and I had friends up there that fed me.
Q What friends did you know up there? A Dude Webber and Skiatook.
Q Skiatook who? A That is all I know I know about him.
Q Was he colored? A He was a Cherokee.
Q Full blood? A I guess he was, he talked Cherokee.
Q Didn't talk english? A No, sir.
Q He fed you did he? A Yes, sir.
Q Who else? A Wiley Butler.
Q Was he a Cherokee? A Yes, sir.
Q Did either Wiley Butler or Skiatook have any family? A Wiley Butler had but his wife was dead.
Q Is any of his family alive now? A I don't know, sir.
Q Is any of Skiatook's family living? A I don't know.
Q Did you work for any people out there? A No, sir; you know I was not working for anybody out there and hiding.
Q What was Dude Webber doing out there? A He was herding cattle out there for his Mistress and I can tell you others that was out there.
Q What was his Mistress's name? A I don't know what his Mistress' name.
Q How far were you from her cow ranch? A It was right in the Big Pond.
Q Did you have a home out there? A No, sir.
Q Just lived out in the woods four years? A Yes, sir, I lived in a cave.
Q On what side of the river? A I lived on the west side.
Q Any towns near? A Not as I know.
Q You never heard of any town? A No, sir, and I never wanted to see any at that time.
Q What was your husband's name? A Louin Vann inCherokee.
Q He was out with you? A Yes, sir.
Q Well after the war closed did you come back? A I come right down the river.
Q In a skiff? A I come back in a wagon.
Q From what point? A From the Big Pond.
Q Who brought you? A My husband brought me.
Q Just you and your husband? A And my children.
Q Where did you go to? A When I first come back I come down on Pryor Creek.
Q Is that below here? A I don't know whether it is below here; I think it is below here.
Q You know where Pryor creek is; it runs over about 20 miles and I want yo know what part of Pryor Creek? A I come down on Pryor Creek to Mr.; I can't call his name just now.
Q Well how far from Chouteau? A I don't know sir, how far it was from Chouteau.
Q What town was your nearest town? A When I came back?
A Yes. A Wasn't any town there at all when I came back.
Q Don't remember who you lived with there? A I didn't live with anybody but my husband.
Q Did you make a place down there? A No, sir, I just went down there to my mother.
Q What was your mother's name? A Sarah Ross.
Q How long did you stay there? A I stayed there two or three weeks and went to the Verdigris.
Q And how long was that after the war you made this first trip to Pryor Creek? A I can't tell you just exactly howlong that was.
Q Was that the first trip you made here? A My mother was living at Tahlequah the first trip I made down here I went to Ben Grimmetts.

Q Where was Ben Grimmett living then? A He wasliving on Pryor Creek.
Q Was that in the spring or fall? A It was in the spring, it was getting pretty warm.
Q Did all of your family go with you? A Yes, sir; didn't have any family but my children.
Q And your husband? A Yes, sir.
Q He went with you? A Yes, sir.
Q In a wagon? A Yes, sir.
Q Where did you get this wagon? A I don't know where he went out and got it.
Q You didn't it there during the war? A No, sir; you never seen negroes have wagons and horses about when they run off.
Q I am asking you where he got it? A My husband got it he went out and got it.
Q This first trip is when you come down to Ben Grimmett's?
A Yes, sir.
Q How long did you stay? A I stayed all night.
Q How long did you stay? A I went back to my cave.
Q How long did you stay there? A I don't know exactly how long I stayed there when I went back.
Q Well did you stay there a year? A I might stayed a little longer than a year.
Q That was after the war? A Yes, sir.
Q Did you see anybody on your trip down to Ben Grimmett's?
A Oh, I seen some Indians but I didn't stop to have any chat with them.
Q Did you see any coloredpeople? A Yes, sir.
Q Well, who? A I didn't stop.
Q Where did you see any horses? A Along the road between there and Coney, along.
Q Coney, that is up by Bird Creek? A Yes, sir.
Q Houses along there? A Yes, sir.
Q People living in them? A Yes, sir, I seen some children.
Q Well, now, where did you go to from your cave after you returned there? A The last time?
Q Yes. A I went down to Pryor Creek, mother hadmoved there and I went down there.
Q And then how long did you stay down there? A I stayed about two or three years.
Q That was two or three years after the war? A I said weeks, weeks is weeks, and years is years.
Q About how long after the war was that when you went down to visit your mother? A Well, I don't know just exactly, I think it was about two or three years.
Q That is your best judgment? A To the best of my knowledge.
Q You stayed there then two or three weeks did you? A Yes, sir.
Q And then where did you go? A I went back to my place up on the Verdigris.
Q Was your husband alive then? A Yes, sir.
Q Did he move up on the Verdigris with you? A Yes, sir.
Q Where did he die? A He died at Pryor Creek.
Q When? A About five or six monthsafter we got in.
Q And you afterwards married Nelson Murrell? A Yes, sir.
Q Is any of that family, Melton's family, alive that you belonged to before thewar? A There was, I guess you had my young Mistress before you, had Nancy Sage.
Q Is she your young Mistress? A Yes, sir.
Q Was she the daughter of Melton? A Daughter.
Q Did he have any other children? A Oh, yes, he had a house full.
Q What was their names? A Betsy, Nan, Mary and Catherine, and George, Ed, Rose and Susie.
Q Where were they living when you run away? A Verdigris.

BY CONTE WHORTON.

Q Flora, what was your father's name? A Sonny Brown.
Q What was your mother's name? A Sarah Ross.
Q You were a slave? A Yes, sir.
Q Where is this Big Bend you have been talking about?
A Up on the Arkansas River.
Q Isit in the Cherokee Nation or Kansas? A In the Cherokee Nation.
Q Is it on what is known as the Cherokee strip? A No, sir, what is what is known as a Cherokee strip as I understand it.
Q That was in the Cherokee Nation? A Yes, sir.
Q This cave was in the Cherokee Nation? A Yes, sir.
Q You never went over to Kansas hiding then? A No, sir.
Q You say you went there three or four years? A Yes, sir; I run away four years before the war.
Q Did your owners ever hunt you up? A I guess they did, they had a reward out for us.
Q They never found you? A No, sir.
(Remainder of Application taken by Stenographer, M.D.Green.)

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony andproceedings in this case, and that the foregoingis a true and complete transcript of his stenographic notes thereof.

(signed) J.O.Rosson.

Subscribed and sworn to before me this 12th day of June, 1901.

(signed)T.B.Needles,
Commissioner.

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Continuation of this case from notes taken by Stenographer, J.O.Rosson, this day.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6,1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife, Flora, as Cherokee Freedmen; NOT MARRIED being sworn and examinedby Commissioner Needles, testified as follows

Appearances: Smith, of Mellette & Smith, for applicants;
W.W.Hastings, for the Cherokee Nation.

Q What is your name? A Rob Webber.
Q Where do you live? A On Lightning Creek.
Q In what district? A Cooweescoowee District, Cherokee Nation.
Q What is your post-office? A Hayden.
Q Howlong have you livedin the Cherokee Nation? A All my life, raised here.
Q How old are you? A Must be about 65.
Q Do you know Flora Murrell?A Yes sir.
Q How long have you known her? A I have knowed her ever since I was a boy.
Q You knew her before the war? A Yes sir.
Q Do you know whether she was a slave or not? A Yes sir.
Q Do you know who she belonged to? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q A citizen of the Cherokee Nation? A Yes sir.
Examined by Cherokee Representative, W.W.Hastings:
Q How long before the war did you know her? A Long time, ever since I was a boy.
Q You knew her when the war come up? A Yes sir.
Q Where was she then? A She was out on the Big Bend of the Arkansas.
Q Were you out there then? A I was out there, judt before the war.
Q How long before the war? A It must have been four years before the war.
Q That's the last time you saw her? A Yes sir.
Examined by Attorney Smith:

Q When did you first see her after the war? A I met her down here on Pryor's Creek after the war.
Q How long after? A It must have been about four years after the war.

Examined by Commissioner Needles:
Q Did you know her owner? A Lewis Melton, yes sir, he had a mill down below Tahlequah there, and I used to go to the mill.
Q He was Flora's owner? A Yes sir.
Q Did you see her there then? A Yes sir.
Q Did you see her on Big Bend before the war? A Yes sir.
Q How far was that from her owner's place to Big Bend? A About twenty miles.
Q Was she living there on the Big Bend? A Yes sir, she was scouting.

Examined by Cherokee Representative, W.W.Hastings:
Q Living in a house? A No sir, she wasn't in no house.

SAM WEBBER, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Smith:
Q State your name? A Sam Webber.
Q What is your post-office? A Nowata.
Q How old are you? A About 58 as well as I can guess at it.
Q Where do you live? A I live two miles west of Nowata.
Q How long have you lived in the Cherokee Nation? A I was born and raised partly here, and then come back in '66 and have been here ever since.
Q You know Flora Murrell, the wife of Nelson Murrell? A Yes sir.
Q How long have you known her? A Ever since I could remember myself.
Q Was she a slave before the war? A Yes sir.
Q To whom did she belong? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q When did you last see her before the war, how long before the war? A Well just about the tije the war ~~was~~ was coming up, we went up to where they lived. They had a ranch up there, my old missus had a ranch and they always sent us up there to gather up cattle.
Q Your mistress had a ranch? A Yes sir.
Q How far did you live from there? A We lived near Tahlequah at the Double Springs, but we would go up there every year to gather up the cattle.
Q How far did you live from the ranch? A I couldn't tell you, it would take us about two days travel to go there where the ranch was, but the miles I couldn't tell you.
Q Where was this you saw Flora when you saw her? A The last time?
Q Yes? A She was in the Big Bend of the Arkansas.
Q How far was that from where Lewis Melton, her owner, lived?
A I don't know exactly, some tenor twelve miles, I guess, maybe little further, I couldn't tell exactly.
Q That was the last time you saw her? A Yes sir.
Q When did you first see her after the war? A I don't know just what year really, but then it was along some three or four years I judge after the war when I met her again.
Q Where did you see her again? A On Big Creek here.
Q How far from here? A It is about nearly 15 miles, I judge
Q Who did she come there with? A Man named Lowan Vann.
Q What relation did he bear to her? A He was her husband.

Examined by Cherokee Representative, W.W.Hastings:
Q How old are you? A I am about 58, as near as I could remember, I don't know exactly my age.
Q You were about 17 years old when the war come up, or 18?
A I was big enough to ride around and herd cattle.
Q Who went up there to this ranch with you? A Bob Webber and Hugh Webber.

Q Not was alone at the time you saw this party, this Bob that was a witness here awhile ago? A Yes sir, he was older than I was.
Q He would know dates better than you would about that time?
A I don't know about that.
Q You didn't tell anybody about seeing this party up there, this woman? A I was afraid to.
Q You didn't tell your owners? A No sir.
Q You didn't tell your people? A Told my parents,
Q But you didn't tell anything else about seeing her up there?
A No sir.
Q You didn't testify for her five years ago, you didn't tell it then did you? A No sir.

Examined by Commissioner Needles:
Q You knew she was a runaway? A Yes sir, I knowed that all right enough.
Q But you didn't go and tell her owners where she was? A No sir.

Com'r Needles: Nelson Murrell applies for the enrollment of himself and wife, Flora; they are both duly identified on the Vearns-Clifton and the Wallace rolls; but they cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; they make satisfactory proof as to residence,- by reason of the fact that their names are not upon the authenticated roll of 1880, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

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M.D.Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. (signed)M.D.Green.
Subscribed and sworn to before me this June 8 1901.
(signed)T.B.Needles,
Commissioner.

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File with Cherokee Freedmen D-548, Nelson Murrell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 19, 1901.

In the matter of the application of Nelson Murrell et al for enrollment as Cherokee Freedman.
Testimony on troduced on behalf of Cherokee Nation.
Appearances:
Mellette & Smith, of counsel for applicants;
J.S.Davenport, of counsel for Cherokee Nation.
R.M.ALLEN, being duly sworn by Commissioner Needles, testified as follows:
Mr. Davenport: What is your name? A R. M. Allen.
Q Where do you live, doctor? A I live north about a mile of Coody's Bluff, when I am at home.
Q What is your post-office? A Coodys Bluff.
Q How long have you lived in the Cherokee Nation? A Ever since 1868.
Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.
Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.
Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.
Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To A Delaware.
Q How did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.
Q Do you know the applicant in this case, Nelson Burrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.
Q Where were you in '68 after you came down to the Cherokee Nation, what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.
Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.
Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek? A Yes, sir.
Q Who wasliving along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.
Q What washe? A He was a Delaware.
Q Where was the first one, or how many houses was along there? A After you left old man Jounreycake's, the first house would be the Widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of Little Buffalo.
Q Were you out over the country around Snow Creek during that year? A What year, '68?
Q Yes, that is the year you said you came down? A No, I don't think I was any that year.
Q Well, was you the next year? A Yes, in the fall of '89 I did made a trip to the Kansas line.
Q To what point in Kansas did you go? A Well they were going to built this town called Parksburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake and one Daniel D. Hicks, and we went right up the Verdigris Valley.
Q On what side? A East side, and I crossed Snow Creek right where it ran into the river, there was a man lived there, he was living there the last time I was there, by the name of Singleton, I didn't know him.
Q Now how from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.
Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.
Q You never saw the applicant, and have been acquainted with him? A I dont remember the old gentleman till to)day I met him and some man introduced me to him, Sam Webber I believe.
Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.
Mr. Smith: What did you say your name was? A Allen.
Q Doctor Allen? A Yes, sir.
Q Are you a physician? A Yes, sir.
Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated in the Rush Medical College in Chicago in '65.
Q Well do you practice medicine out there now? A Welljust a little, not much.
Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.
Q Is that on Snow Creek? A No, sir.
Q How far was that from Snow Creek? A Fifteen or twenty miles.
Q Then how long was it from that time until you were on Snow Creek? A I went on Snow Creek in the fall of '69.
Q How long is Snow Creek? A I don't know.
Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.
Q Then where were you going to? A I was going to the Kansas line

where they were going to build that town called Parkersburg.
Q Did they build it? A They did, afterwards.
Q How long afterwards? A The next time I was there they had quite a town there.
Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 20th day of May, the next spring.
Q Well, did they have any town there when you went there the first time? A No, sir.
Q Did they have any town laid out? A I saw some lumber along down there.
Q Did they have any plat, town plat? A I never heard of it.
Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me sufficient news about it to purchase any lots.
Q Did you buy any lots? A No, sir, I didn't.
Q Did you ever buy any in Parkersburg? A No, sir, never did.
Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household utensils.
Q Did you buy them? A I did.
Q How far was it from Journeycake(s where you started to Parkersburg? A Oh it is 25 or 30 miles.
Q And in what direction was Parkersburg from Journeycake? A Well sir, it is north , and I believe a little west.
Q How far was Parkersburg from the Kansas line? A Well, they didn't know where the line was in that day.
Q They didn't know? A Not then they didn't.
Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.
Q Now you started in the fall of 1869 from Journeycake's, did you? A Yes, sir.
Q Where did you? A I started from home.
Q Where did you live? A I lived up at Coody'd Bluff.
Q How far was that from Journeycake's? A About four miles.
Q In what direction from Journeycake's? A North.
Q Then you started from four miles north of Journeycake's in the fall of '69 to go to Parkersburg? A Yes, sir.
Q How did you travel? A I went horseback
Q And was there a road to travel? A No, there was no road.
Q Wasn't any road? A No, I didn't follow any road.
Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
Q Once or more than once? A I only crossed it once going up.
Q And once coming back? A Yes, sir.
Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
Q Well, it is not the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek,
Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
Q And crossed the creek? A Yes, sir.
Q You didn't have to follow the Creek? A No, I didn't follow the Creek.
Q You just simply crossed Snow Creek in 1869? A Yes, sir.

Q Well now then you are not prepared to say that this applicant, Nelson Murrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.
Q But you say you only touched Snow Creek at one point? A That is all.
Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
Q Up or down the Creek? A No, sir.
Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it, A Yes, sir, if a house had been out on the Prairie a quarter of a mile from me them days I could have seen it.
Q Under favorable consditions you could have seen it? A Yes, sir.
Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Simon Love.
Q Where do you live? A Claremore.
Q How long have you lived in the Cherokee Nation? A Ever since '68.
Q Are you a Cherokee or a Delaware Indian? A Delaware.
Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.
Q What was your father's name? A My stepfather's name was Buffalo.
Q Well, did he have any English name? A Little Buffalo they called him.
Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.
Q What was your stepfather's name? A Little Buffalo.
Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Cedar Creek, about fifteen miles from Coffeyville, Kansas.
Q On what side of the Verdigris River did you locate? A The east side.
Q How far from what is known as Snow Creek? A Six or seven miles I should judge.
Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.
Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.
Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to trade up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.
Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.
Q Was there any houses there? A There was one house there that I can remember, a carpenter that built our house lived there, a man named Baker, in the fall of '85 he built our house.
Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.
Q Well, how long have you known him? A I just can't tell how long.
Q Do you know where he lives now? A Yes, sir.
Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '68.
Q Where does the applicant live with reference to that? A Right north of it.
Q About how far? A I can't tell you how far.

Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place
Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, I don't remember.
Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.
Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.
Q Where were they living? A Living on Snow Creek.
Q That part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.
Q When did they come in there and locate, if you know? A I don't know when they came in.
Q Well, how long have you known that family? A Well I have known them quite a while.
Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.
Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.
Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little farther away, a little farther east.
Q How long since you have been in that locality? A I have been in there quite a while, I don't know really.
Q I believe you stated you came down after the Delawares made the treaty with the Cherokees, or before, which was it? A Afterwards.
Q Did you come the same time the Delawares came, or did your father move the same time they came? A Same time, his was the first train that came down.
Mr. Smith: Mr. Love, you and your family were among the first Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.
Q And you have lived in the Cherokee Nation ever since? A Yes, sir.
Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.
Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.
Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.
Q What direction? A South.
Q Into what stream did Cedar Creek empty? A The Verdigris.
Q Into what stream did Snow Creek empty? A The Verdigris.
Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.
Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.
Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.
Q Well, did you have a house to live in when you first came there? A No sir.
Q What season of the year did you come to the Nation? A February.
Q When did you get a house? A Got a house the next fall; that is, a man built our house.
Q How old were you when you came here? A I was about 15.
Q Where did you remain during the months from February until you got your house built the following fall? A Right at home there.
Q Now you know this old man Nelson Murrell? A Yes, sir.
Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A great many years? A I can't remember how long.
Q Been so long you can't remember when you first did know him? A Been fifteen or twenty years.
Q Been longer than that, hasn't it? A I don't think it has.
Q How long has it been since you first came down here? A I came here in '58.
Q Well how many years? A 35 years.
Q Well now about how long have you been knowing old man Nelson Murrell? A I should judge about fiteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.
Q How many years was that after you came down to the Cherokee Nation, that you went to Connor's? A About '71.
Q About that? A Yes, sir.
Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.
Q You were still a boy when you did leave? A Yes, sir.
Q Now you didn't go, while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No sir.
Q You know how long Snow Creek is? A No, sir.
Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.
Q You don't know; you never were up the Creek then from the mouth of the Creek up to the Kansas line? A Only right there along the roadwthere I crossed Snow Creek.
Q Now where would you be going when you would cross it? A Well, up into Kansas.
Q To what point? A A place they called Clymore, on Pumpkin Creek, a trading point, or post.
Q Now what was the nearest town of any note to you in the Cherokee Nation, store or post-office, or anything of that sort? A There was none.
Q How far did you live from the mouth of Cedar Creek? A About a mile, not quite.
Q Then you were about a mile from the Verdigris? A Yes, sir.
Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.
Q Then you had to go to Kansas, what direction did you travel? A North.
Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.
Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast.
Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?
Q Well I went after that carpenter that built the house.
Q I mean outside of the carpenter and Clymore? A No, sir.
Q So when you went to Clymore you crossed Snow Creek? A Yes, sir.
Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed crossing, Lumen Reed Crossing.
Q Now do you know how far that is from the mouth of Snow Creek? A I should judge about a mile and a half or two miles.
Q Or two, and might be further? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.
Q Now then when you were traveling from where you lived to Clymore you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.
Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.
Q You can't swear he didn't live there? A No, I can't.
Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any houses there.
Q How about a mile up the creek or a mile down the creek? A That I can't tell.
Q You don't know, do you? A No, I don't think there was any houses.
Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the Creek or a mile down the Creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles testified as follows:
Mr. Davenport: What is your name? A John Secondine.
Q Where do you live? A Up at White Oak.
Q That your post-office? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years; since '68.
Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.
Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.
Q Well, what year was that in? A When I first came here, that was in '67, in August.
Q Well, when you came to the Cherokee Nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.
Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.
Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.
Q How long did you stay there? A Well, we stayed there as much as a week or ten days somwehre along there.
Q Was there any houses around there? A No, sir.
Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A No, we looked all around the country there, we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.
Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.
Q Were you down the Creek to where it empties into the Verdigris? A Yes, sir.
Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.
Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.
Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.
Q You went up and down the Creek you say? A Yes, sir, there was no settlement there.
Mr. Smith: You live out here close to Vinita now? A Yes, sir, I live at White Oak.
Q About how long have you been living there? A I have been living there 16 years I believe.
Q You related in any way to Journeycake? A Yes, sir.
Q What relation? A Second cousin I believe.
Q How far did you live, when the Delawares first come down in the Cherokee Nation, from Journeycakes? A I lived six miles above, north
Q Six miles north of Journeycake's? A Yes, sir.
Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas calle Parkersburg? A Let's see, I guess it is close onto twenty or twenty two miles I guess.
Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.
Q What direction, west, or north? A East.
Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.
Q Twenty miles from the mouth of Snow Creek? A ~~It must be~~ yes sir.
Q Do you know a family in there by the name of Love? A Yes, sir.
Q Where did theylive? A They lived up there below Gooseneck Bend, what they call now.
Q Up close to Verdigris River? A Well they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.
Q How far from the Kansas line? A I guess it must be about ten or twelve miles.
Q How far from you? A Oh about 10 miles.
Q In what season of the year did you arrive in the Cherokee Nation? A Well I think the 9th day of February.
Q Who did you come with; that is, I meen your own immediate family, your father? A No, my mother.
Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until grass came up in the spring of '68,
Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a crop over there.
Q How far from this place on Verdigris? A This was on Grand River, it is about forty miles.
Q Now if I understand you, you came on the Verdigris River about '67? A I want you to understand this: we didn't move down in '67, I came down here to look at the country.
Q Then what did you do? A I went back to Kansas.
Q How long did you stay? A Well, we stayed a year.
Q It took you a year to look at the country? A No, we stayed about two months here.
Q When, in '67? A Yes, sir, two months on the Verdigris.
Q About twenty miles below the mouth of Snow Creek? A No. we stopped up there about ten days on~~ne~~ Snow Creek.
Q Well, when did you stop on Snow Creek? A In '67.
Q What time? A In August.
Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.
Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.
Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.
Q Then you was coming how long altogether, about two months? A Two months.
Q Then you went back to Kansas? A Yes, sir.
Q How long did you stay in Kansas? A We stayed till- I left there in February, about the first of February.
Q What year, '68? A '68.
Q Where did you go? A Came down here.
Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.
Q How long did you stay in that part of the country where you first came to? A Well about two months.
Q About what time was it when you moved out of that neighborhood
A It was about along in the first of April, somewhere along there.
Q Then did you move to Grand River? A Yes, sir.
Q That was 35 or 40 miles away? A Yes, sir.

Q Were you back in there at any time soon? A I came back again before Christmas.
Q Back in there again? A Yes, sir.
Q Where were you then? A I was over there about Coodys Bluff.
Q Up about Snow Creek? A No, below there.
Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well I can't exactly tell, it is not very far.
Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.
Q You mean the mouth of Snow Creek? A Yes.
Q Then you camped right exactly on the Kansas line? A No, sir.
Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.
Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.
Q It has to be up Snow Creek if it was anywhere? A Yes.
Q Well you said you camped three miles from the mouth of Snow Creek? A Yes.
Q Then you were right exactly on the Kansas line, weren't you? A No I was right east; Snow Creek runs kinder east, kinder of northeast.
Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, there wasn't anybody living there.
Q Well, there was a carpenter living there that built this fellow Love's house? A The Delawares never moved here till '68.
Q You said you were back there in '6-; what I am asking you about, you were back there in '68, were you on Snow Creek then? A I think I was there.
Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.
Q Well you don't know when this carpenter that this other witness got up there to build his house, built his house up on Snow Creek, do you? A No, sir.
Q Can't say that wasn't there in '68 though, can you? A No, sir, can't ~~xxxx~~ swear it wasn't there.
Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.
Q You don't beliebe it was, but you don't know? A Because I didn't see them, there was no settlement there.
Q All you know is you didn't see any houses there? A It would have to be aprette small house if I didn't see it.
Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.
Q What was it along Snow Creek, timber of prairie? A There is some timber there.
Q You could stick a little cabin around there most anywere, couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Purrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.
Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people.

HENRY WELTON, being duly sworn by Commissioner Beedles, testified as follows:
Mr. Davenport: What is your name? A Henry Welton.

Q Where do you live? A I live up on Snow Creek.
Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.
Q Do you know the applicant here, Nelson Murrell? A Knowed him all the days of my life.
Q Was he living up there when you lived up there? A Yes, sir,
Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.
Q Where were you living when the war broke out? A Living on Bird Creek
Q You know where Nelson was? A Yes, sir.
Q Was he there with you? A No, sir, he was down here to Park Hill
Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.
Q How long before the braking out of the war had you been down there? A I don't know, I can't tell.
Q Well, had it been a year or two years or six months; what do you think about it; I want to get the facts there, about how long it had ben before the war came on? A I can't tell you.
Q You and Nels belonged to the same man, did you, before the war? A My mistress' daughter married Uncle Nelse's young master, John Have.
Q Who did Uncle Nelse belong to when he went by the name of Murrell? A George Murrell.
Q Is that the same George Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one;, I don't know it.
Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagoner from Park Hill? A Yes, sir.
Mr. Smith: I object to that, because it is leading.
Q Did you knowxxhChlora? A Yes, sir.
Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.
Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.
Q Where was Chlora when the war came on? A I don't know where she was.
Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.
Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.
Mr. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.
Q What was his name? A Lewis Melton.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.
Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.
Q Mr. Davenport: Do you know who she run off with? A Yes, sir, my woman will tell you that.

Taking of testimony continued by Stenographer J.O.Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)Bruce C. Jones.

Sworn to and subscribed before me this the 8th day of November, 1901.

(signed)T.B.Needles,
Commissioner.

October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, Ap. Al., C.N.-D. #[illegible], continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:
Mr. Smith, of Counsel for applicants;
Mr. Davenport, of counsel for Cherokee Nation.

MINTIE MELTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation.

MR. DAVENPORT: What is your name? A Mintie Melton.
Q Where do you live, Mrs. Melton? A On the Verdigris.
Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.
Q You know the applicant, Nelson Murrell? A Yes, sir, I know him.
Q Do you know his wife? A Yes, sir.
Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.
Q Well, do you know where she was when the war broke out? A No, sir, I don't.
Q Did she belong to the same parties that you belonged to? A No, sir.
Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.
Q Was she a slave of the same parties you were? A No, sir.
Q How far did she live from you? A 12 miles I think.
Q Well, you say you don't know where she was when the war broke out? A No, sir.
Q Had she left the country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.
Q What was your father's name? A His name was Robert Vann was his name.
Q Where was he when the war broke out, do you know? A No, sir, I don't.
Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.
Q About when did you see him? A When did I see him?
Q Yes? A I can't tell exactly when it was.
Q Well, have you seen Nelson's wife after you came back after the war? A This lady he has got now?
Q Yes. A No, sir, they lived up here.
Q I mean since you have moved up in this country? A Yes, sir.
Q Is she the same woman you knew before the war? A Same woman.
Q And you say you didn't know where she was? A No, sir.
Q Was she with her owners that owned her when the war broke out? (No response.)
Q Was she at their home? A Well, I don't believe she was right at home.
Q Do you know where she was or what became of her? A I don't know where she was.
Q Do you know how she came here, what the circumstances of it was? A I guess she went off.

Mr. Smith: I object to what she says.

Witness: She lives with Lewis Melton and I live on Caney.
Q Isn't it a fact that your father and she ran off and left this this country before the war broke out?

Mr. Smith: I object to the question, if the Court please, because it is leading, and the applicant says she does not know.

Com'r Needles: Let the objection be entered.

A She was at home and I was at home; I don't know where she went

to and I never visited there.
Q Wasn't it understood by you that she and your father ran off together before the war and left the country? A
Mr. Smith: I object to that.
COM'R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.
MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.
MR.SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.
Q You don't know what took place when the war broke out? A No,sir.
Q You don't know where she was when the war broke out? A No, sir.

HENRY MELTON, recalled, further testified:
MR. DAVENPORT: Henry, what xxx was your wife's father's name, do you know? A Robert Vann.
Q Did he belong to the same men you did? A No, sir.
Q Did you ever know him before the war? A Yes, sir, he was living with Joe Vann.
Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.
Q Well, where was she when the war broke out? A I told you she was gone.
Q Do you know where Robert Vann was? A He must have been with that woman.
Q Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and stold Flory from my Pastors.
Q Where did they go? A I don't know where they went.
MR.SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.
Q Did you see him? A Yes, sir, and talked with him.
Q Did you? A Yes, sir, and hoped him get off that night.
Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Lewin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.
Q Where did Joe Vann live? A On Grand River, in the Cherokee Nation.
Q And you think he had Flora over about Joe Vann's? A I don't know.
Q What did you say about Joe Vann? A I said I was there when he brought her there.
Q Didn't you say awhile ago that that is where she was when the war broke out? A No, sir.
Q Have you told now all you know about thiscase? A Yes, sir.
Q Have you left anything for your wife to say? A No, sir.
MR.DAVENPORT: Just told xxxx the facts? A Yes, sir.
MR.SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.
Q Were you asked the question the first time you were on the stand who did Flora run off with; were you asked that question? A Yes, sir.
Q The first time you were on the stand? A Yes, sir.
Q Did you say "I don't know, my old woman can tell you?" A I said-
Q Did you say "I don't know?" A No, sir.
Q You didn't say that at all? A No, sir.

PHILLIP R. CAESAR, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:
MR.DAVENPORT: What is your name? A Phillip R. Caesar.
Q Where do you live Mr. Caesar? A Muskogee.

Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.
Q Where were you mustered out? A I was mustered out at Fort Leaven worth.
Q Well , after you were mustered out where did you go? A After I was mustered out I came to the Territory.
Q That part of the Territory did you come first? A First I came to Cherokee Nation.
Q Near what point? A Were on the Verdigris somewheres about the Verdigris, little creek called Snow Creek.
Q How long did you stay in that vicinity there? A I stayed there only one season, one year.
Q What year did you come to the vicinity of Snow Creek, Mr. Caesar? A It was '67, Spring of '67 that I came.
Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.
Q Was there any improvements made by anyone around there? A No, sir, only improvements I knowed of there at the time and they were little, and then I-- not an improvement, but just fencing and put in a little crop of corn the year I came there.
Q How far was the improvements thatyou made from where Snow Creek empties into the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow Creek and Verdigris.
Q Short distance away? A Yes, sir.
Q Are you acquainted with the applicant here, Nelson Murrell, the gentleman who sits there, the old gentleman on the front seat? A No, sir, I am not personally acquainted with him.
Q You are a citizen of the Creek Nation aren't you? A Yes,sir.
Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigris; up the Snow creek from the mouth and up the Verdigris from the mouth of Snow Creek.
Q That was before you left there? A Yes,sir.
Q Was there any Indians in that part of the country before you left? A Yes sir.
Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.
Q You did some work for him before you left there? A Yes, sir.
Q Do you remember his first name? A The young man employed me at the time there was Simon, and Sam.
Q Where did they live with reference to where you settled, or had they built improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.
Q Were you on the north side, what I would call the north side of Snow Creek, or south side; I mean by that, were you in between the river and Snow Creek? A Between the river and Snow creek.
MR.SMITH: How far were you away, Caesar, from the mouth of Snow creek? A In about, I could not tell, it was a short distcane it was just a flat.
Q Mile or ten miles? A About somewheres, a mile, might be a mile or mile and a half.
Q From the mouth of Snow creek? A Yes, sir.
Q How far was that from the mouth of Cedar Creek? A I don't know a creek by that name.
Q How far was that from the line of Kansas? A The exact distcane I couldnot tell; it was not very far.
Q About how many miles, as near as you can come at it? A Well. if I would have to say according to my judgment, because at the

time I never paid any attention whether it was half or 25 miles, but living there, to Chetopa it might have been four or five miles, that I would say that then it would be just according to my judgment.
Q Well, when youleft there did you leave for Chetopa? A When I left there?
Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.
Q How far did you live from Snow creek? A I raiseuxxxxx one little crop on Snow Creek.
Q When did you get there? A Along in the spring, about February or March.
Q Did you have a family? A No, sir.
Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
Q Lived in Little's house? A ~~I xxxxx~~ Yes sir.
Q ~~xxhxxx dxxxxxxxxx~~ About a mile or a mile and a half from Snow creek? A Yes, sir.
Q Did you live right on the bank of Snow creek? A No, sir.
Q How far did you live? A Somewhere about a mile from the river.
Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
Q Now, how long is Snow creek? A I don't know.
Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas? A I don't know.
Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
Q You have been in the State of Kansas? A I have been, but I can't tell how long the creek is.
Q So you don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir, I could not tell you.
Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned? A No, sir.
Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.
Q You don't pretend to swear that man Nelson Purrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
Q You don't know how long those families had been there in that part of the country? A No, sir.
Q Where they came from? A No, sir.
Q Don't know anything about it? A No, sir.
Q How long were you in the army? A In the army about two years and two months.
Q Where did you join? A I joined about the 9th of August.
Q What year? A '65.
Q And how long were you in the army you say? A I was in the army two years and two months somewhere about that.
Q What time did that let you out? A I got out in September, well, in about, I was discharged in September, '65.
Q Where were you when you were discharged? A Fort Leavenworth.
Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.
Q Well, how many years? A Well, from '65 until '67.
Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.
Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and from from one country to the other.

Q Where did you first go, to the Creek Nation after the war?
A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big creek settlement.
Q Don't you know when it was you first went to the Creek Nation?
A No, sir.
Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.
Q When? A I was in the Creek Nation in the limit, the 12 months
Q Twelve months from when? A From April the 13th or 16th I suppose.
Q April 16th, what year? A From the passage of the treaty.
Q When was that? A '67, April, '67.
Q When you worked for Love where did he live? A Cherokee Nation.
Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.
Q Just started; well, was it a house or not? A House I suppose.
Q Don't you know, don't you know a house when you see it?
A Yes, sir.
Q Was it a house or not? A Yes, sir.
Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.
Q How early in '68 and how late? A How, the days of the year, and so on, I could not tell; it was about hay making time.
Q Do you know who built his house? A No, sir, the house was there when I went there.
Q Do you know anything about a carpenter before that time that lived up on Snow Creek and built Love's house? A I don't know.
Q Wasn't any living up there? A I don't know.
Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.
Q People lived around there that you didn't know anything about?
A I don't know; it might have been these people I am talking about.

Comr Meedles: This testimony will be made part of the record in the case at bar, and it will be also made part of the record in Cherokee Freedmen doubtful cases #650, #552, #758, #923, #788 and #994.

---oooOOOooo---

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this October 25th 1901.

(signed) T.B.Needles.
Commissioner.

A.D.Green, being first duly sworn, states that as steno rapher to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

A D Green

Subscribed and sworn to before me this February 4th, 1902.

Commissioner.

File with case of Sarah Robinson, C.F.-D.#476.

Supl. order C.F.-D.#473.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 22d, 1901.

SUPPLEMENTAL ORDER in Case of Charles Williams, et al/, Cherokee Freedman doubtful card #473, for enrollment as Cherokee Freedmen:

Commissioner Needles: The representatives of the Cherokee Nation request that the testimony in D-548, case of Nelson Murrell, be made a part of the record in the case of Charles Williams, D-473, and D-475.

And that the testimony in case of Emma Powell, D-475, be made part of the record in case of Sarah Robinson, D-476, and Nettie Powell, D-478, and William Love, D-479.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.

IN RE

Application for Enrollment of

INFANT CHILD

Katie Robinson
as a citizen of

Cherokee Nation

Approved. Oct 31 1902

T. B. Needles
Commissioner.

Filed
Oct 31 -02.

COPY

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Katie Robinson (Here insert name of child), born on the 26th day of March, 902

Name of Father: Elijah Robinson, a citizen of the Freedman Cherokee Nation.

Name of Mother: Sarah Robinson, a citizen of the Freedman Cherokee Nation.

Post-office, Coffeyville, Kans.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District. } State of Kansas)ss Montgomery County)

I, Sarah Robinson, on oath state that I am 22 years of age and a citizen, by Freedman, of the Cherokee Nation; that I am the lawful wife of Elijah Robinson, who is a citizen, by marriage, of the Cherokee Nation, that a Female (male or female) child was born to me on the 26th day of March 1902; that said child has been named Katie Robinson, and is now living.

her
Sarah X Robinson
mark

WITNESSES TO MARK (Must be Two Witnesses) { Elles carter
I. E. McCreary

Subscribed and sworn to before me this 20th *day of* May *1902*.

(SEAL) J. McCreary NOTARY PUBLIC.

Notary commission expires March 23, 1903.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District. } State of Kansas)ss Montgomery County)

I, Annie Love, a midwife, on oath state that I attended on Mrs. Sarah Robinson, wife of Elijah Robinson, on the 26th day of March, 1902; that there was born to her on said date a Female (male or female) child; that said child is now living and is said to have been named Katie Robinson.

WITNESSES TO MARK: Annie love

(Must be Two Witnesses) { (SEAL)
Notary Commission expires March 23, 1903

Subscribed and sworn to before me this 20 *day of* May *190*.

J. McCreary NOTARY PUBLIC.

[illegible] you proceeded to hear testimony by the Cherokee Nation [illegible] [illegible] years ago to [illegible] today by the Cherokee Nation [illegible]

[illegible] testimony will be filed with and made a part of the record in the following cases: Frank Love, Roll No. [illegible], Dist. [illegible], William Love, [illegible], Notice Number [illegible] in the case of Sarah Robinson, [illegible] also the [illegible] Robert Robinson [illegible], as well as in the case of [illegible] Tobias [illegible] Sorrell, No. [illegible].

[illegible]

[illegible] Commissioner, being first duly sworn; states that [illegible] stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur C. Cunningham.

Subscribed and sworn to before me this 11th day of [illegible], 1928.

F. D. 475.

File with Cherokee Freedman D- 476, Sarah Robinson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 29,1902.

In the matter of the application of Emma Powell for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-475.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation..

DANIEL SANDERS, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Daniel Sanders.
Q Where do you live? A Big Creek.
Q How old are you, Mr. Sanders? A About 59 years old.
Q Are you a freedman? A Yes,sir.
Q Recognized Freedman? A Yes,sir.
Q Did you know Emma Powell? A Yes,sir.
Q Well did you know her father? A Yes,sir.
Q What was his name? A Ben Alberty.
Q When did you first become acquainted with him? A In the spring of '67.
Q Who did Ben belong to or do you know, just incidentally? A I don't know which one of the Albertys.
Q Well do you know what became of them during the war? A No, I don't know that.
Q Do you know when he first came back with his family after the war? A I saw him along about the first of April, '67; he was living on Snow Creek.
Q Well do you mean you saw them there in '67 on Snow Creek? A Yes, sir.
Q Well do you know how long they had been living there then; that's the first time you had seen them? A That's the first time I had seen them.
Q Well they had a place there and lived there? A Yes,sir.
Q Lived in a house? A Yes,sir.
Q Well now who was his family, what did his family consist of? A Well I think there were three or four children; I don't know just exactly.
Q How long did he live there? A Lived there till he died.
Q Well how long did that take? A Oh, I don't remember what year it was he died.
Q Well what became of Emma; was Emma, you say was his daughter; about how old was Emma at the time you first knew her? A She was a small girl.
Q What became of her? A She married a fellow by the name of Long.
Q Did she continue to live there? A Yes,sir, lived right there.
Q Who was Long; where did he live? A Over there on Snow Creek.
Q Did she afterwards- what became of Long, do you know? A I think he died.
Q Then who did she marry? A This man Powell.
Q And where did she continue to live? A Over on Snow Creek.
Q In the Cherokee Nation? A Yes,sir.
Q Do you know whether she is still alive or not, Tuck? A No,sir, she's dead.

Q When did she die? A I don't just really know; I never kept the dates of it; seven or eight months.
Q Has it been this year; in the last few months; or what is your recollection? A I never kept no account of it; I wasn't home when she died, and never kept no count of it.
Q Has she died since the Commission made its round about a year ago? A I think so.
Q Well what was there about the place where this man was living when you saw him in the spring of '67? A Why he had a log-house, you might say, a good-sized pole house, and a little field, and a horse lot and a cow lot.
Q Did he have any crop? A Yes,sir, he had a grain crop, about seven or eight acres of land up on Snow Creek.
MR. HASTINGS: Where were you going, Dan, when you saw him? A I was going to a little place called Claremore.
Q How long had you been in there yourself? A I had been there a good while.
Q How long had your mother and the women folks been there? A Quite a little while.
Q Do you remember them searching your wagons away up there near Fort Scott for Eli Mackey? A Nobody ever searched a wagon of mine.
Q Did they search anybody else along in your crowd? A Don't know anything of it.
Q Don't know anything about that? A No,sir.
Q You never heard of it before, did you? A Not until I have got here in the last day or two.
Q You have heard it around here the last day or two? A Yes,sir.
Q These colored fellows have been telling you? A I just heard that there was such a statement, but I never knew anything of it until now.
Q Then you heard of it the last day or two? A Yes,sir, I don't know who told me.
Q You never saw these parties until April of '67? A No,sir.

REUBEN SANDERS, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Reuben Sanders.
Q What's your postoffice, Mr. Sanders? A Centralia, I. T.
Q How old are you? A Well I generally guess at it, I don't know it
Q Well guess at it? A I am something near about 50.
Q Well are you acquainted with or were you acquainted with Emma Powell in her life time? A Yes,sir.
Q When did she die, Reuben? A She died last March.
Q March,1902? A Yes,sir.
Q This year? A 1902, yes,sir.
Q Did you know her father? A Yes,sir.
Q What was his name? A Ben Alberty.
Q Where did he live? A He lived on Snow Creek.
Q When did you first know of him on Snow Creek, first see him on Snow Creek after the War? A It was along in the spring of '67, when I first seen him after the war.
Q Was that the first time you saw him at all anywhere in the Cherokee Nation after the war? A Yes,sir, it was the first time I saw him in the Cherokee Nation after the war, but the first time I saw him it was along in the last part of '65 or '66.
Q Well where was he then? A He was then- I and his children was going to school together, we lived in about something like 25 or 50

Yards apart in Fort Scott, Kansas, and he come there and get his children; come in here for the Nation.
Q Well when you was down to his place in the summer of '67 did he have his family there? A Yes,sir, he and his children were living there.
Q Well who were his children? A Emma, and one they called Charlotte, and another one they called Ben, and one they called Bill, and the other ones I don't recollect their names.
Q What became of Emma? A She died.
Q This Emma Powell is the one that died recently? A Yes,sir.
Q Did she grow up there? A Yes,sir, she grew up on Snow Creek.
Q In the Cherokee Nation? A Yes,sir.
Q Who did she marry? A Married this gentleman by the name of Powell; he wasn't her first husband though.
Q Well who was Charlotte; what became of Charlotte? A She was a sister or half sister.
Q She was Emma's sister? A Yes,sir.
Q She one of Ben's children? A Well I didn't know whether she was or not, but it was my impression that she was; I didn't, never did know.
Q Well did she grow up there in the country too? A Yes,sir, she grew up there in the country.
Q In the Cherokee Nation? A Yes,sir.
Q Did she marry? A Yes,sir.
Q Who did she marry? A The first man that she married was Dawson.
Q What? A Dawson, and the next one to my knowledge was French.
Q What became of Dawson, did he die? A Yes,sir.
Q What French was it she married? A Wash.
Q Wash French? A Yes,sir.
Q Well where does she live now, she and Wash? A She lives on the Verdigris.
Q Well where is that, in the Cherokee Nation? A In the Cherokee Nation.
Q What did that man, Ben Alberty, have down there where you saw him in '67; did he have a place? A Yes,sir, he had a pole house, a house made out of poles, and he had a little field, and lived on the north west of Snow Creek, on the yon side, and he had a little field north of the house, and he had, of course he was poorly fixed at that time, he slept in his house in a drygoods box and some hay and had some quilts.
Q Have any crop? A Sir?
Q Did he have any crop there? A He had a little corn, wasn't very large.

MR. HASTINGS: You testified twice in the Elizabeth Meigs case didn't you? You testified and then you wasn't satisfied with your testimony, and you made another statement, didn't you?

MR. SMITH: That is objected to because it has no reference to this case and does not tend to prove any issue in this case.

COMMISSION: Let him answer the question.

Witness: Yes,sir, I testified.

MR. HASTINGS: You testified first that you came back to this country about the last of January '67, and then you thought you had made a mistake, and went back and testified that you came back the middle of January of '67? A Here's what I stated at that time; that was my impression, and the reason why I correct my mistake was that I said I come here in January, '66.
Q January of '66? A Yes,sir, that was what I was intending to correct. I said we moved here in January,'66, that was my intention. that was my reason why I asked to correct my statement.
Q Well did you want to correct it to January of '67? A You see we

taken our claims in August,'66.
Q And when did you move here? A In January. January '66 was before August of '66.
Q Well when did you move here? A Well in my statement I said-
Q Well I am not talking about your statement. A In my statement I said when I first started we moved here--
Q When did you move your family? A I told you we come three times.
Q Tell me when you moved your family here; answer that question?
A I said along '67, moved them January,'67.
Q That's when the women came along? A The women came along, and I first told you the women came along.
Q Did you say that in the Elizabeth Meigs case? A I didn't tell it in the Elizabeth Meigs case, that is at that time.
Q Didn't you testify that you brought your families along with you, that you came here in January of '67?" A I said that's when Elizabeth Meigs moved, when Elizabeth Meigs moved, but I didn't say that we didn't have no women when I come in August.
Q You didn't? A No,sir, I didn't.
Q Well didn't you swear that at that time that they were searching parties out searching for Eli Mackey, who had killed a man by the name of Hayford? A Yes,sir, I made some statement in regards to that.
Q Well they were searching your wagon? A I don't know as they searched our wagon particularly.
Q Well weren't there searching parties out? A I didn't make the statement that they searched our wagon.
Q Didn't make any statement that they searched your wagon; well there were searching parties out for Eli Mackey at that time, wasn't there? A Does that have anything to do with this case?
Q Answer the question. A There was searching parties out for Eli Mackey at some time, I recollect.
Q That was when you was coming down here, wasn't it? A Well that may have been when we were coming down.
Q Well you know that there was searching parties out for Eli Mackey?
A Yes,sir.
Q The man that killed Hayford; where did this searching party overtake you people?
MR. SMITH: I object to that because there are two questions.
Witness: I don't know which one to answer. The searching parties overtook us in the Nation.
MR. HASTINGS: Where? A Down here across on Big Creek, near about.
Q Near about Big Creek? A Yes,sir.
Q Was your brother Dan Sanders along? A Yes,sir, he was along.
Q Your father was along? A Yes,sir.
Q About how many people were along in that party that came along and searched? A I told you in my statement that I didn't know the people that came along in that party.
Q About how many was there along in the searching party, the people that were looking for Eli Mackey? A There was only one man.
Q There was only one man? A Yes,sir, one man that I know of.
Q Only one man? A Yes,sir, that said he was searching.
Q Said he was searching? A That's what we thought as least.
Q How many people were along with you at that time? A I told you in my statement that I didn't know just how many people was along with us at that time.
Q Well now was it after this that you saw this Ben Alberty up on Snow Creek? A Yes,sir, it was in '67 when I saw Ben Alberty on Snow Creek.

Q You never saw him in the Cherokee Nation until '67? A No, sir.
Q Well now how long after this searching party was it till you saw Ben Alberty? A It was along in the spring, I said when I came down here in the spring of '67.
Q About how many months after this that you moved down now, and that this searching party was along, until you saw Ben Alberty?
A I don't know just how many months.
Q Well about how many, your best judgment? A My judgment was along in about April when we saw Ben Alberty.
Q I want to know hos many months after you moved down here with that crowd of people; that's what I am trying to get from you?
MR. SMITH: I object to that because it is already answered.
COMMISSION: Answes his question again if you can.
Witness: I answered your question when I told you it was along near about April when I saw Mr. Alberty.
MR. HASTINGS: That ain't the kind of an answer I want; I want to know how long after you came down with your family it was till you saw Ben Alberty? A I say it was along in about April.
Q Well was it one month, two months or four months?
COMMISSION: Do you know how long after it was; have you any idea how long it was.
Witness: April made at least--
COMMISSION: Just tell him to the best of your knowledge.
Witness: Well that would have been near about two months.
MR. HASTINGS: Near about two months? A Near about that, yes, sir.
Q Well then you were here about the first of March, were you, and you saw him in April, is that correct? A That wouldn't be correct according to the way you have got it.
Q Well according to the way now that you want it how was it? A The way I want it I say it was along in April when I saw Uncle Ben.
Q Well now you say that was about two months after you come? A About two months after I come? I say we come down in January.
Q Well about how long was it then after you come till you saw Uncle Ben? A Be January and February and March and April would have been something near about two months.
Q About two months? A Yes, sir, a little over two months maybe, the way I have got it, along in April, that's the way I have got it.
Q What time in April was it you saw him up there? A Well, just the day of the month I never put it down.
Q How old are you? A I haven't got that down either.
Q Well, don't you have any idea? A Well I stated a while ago that I was near about fifty. Uncle Ben had a field north of his house and had some logs, had built a log house.
Q You was very clear when you was being examined in the Elizabeth Neigs case, and you volunteered yourself to tell about this searching party, weren't you; haven't you been talking to the people since you have been here? A No, sir.
Q None of them told you? A Ask them, some of them, ask them.
Q Have you, you are under oath now? A These people ain't talked to me about it.
COMMISSION: Answer his question.
Witness: No, sir, they ain't.
MR. HASTINGS: You never heard nothing said, did you? A No, sir.
Q You come with your brother Dan? A When?
Q When you came down here? A No, sir.
Q You didn't come with him? A No, sir.
Q Been with him any since you have been here? A Yes, sir, I have been with him a little.
MR. SMITH: Reuben, You have been called on to testify for the

Cherokee Nation in about as many applications against as many applicants as you have for them, haven't you? A Yes,sir, I have.

MR. HASTINGS: And the Cherokee Nation tried to get you here as a witness the other day and paid your fare to get you to come down here and you refused to do it didn't you? A They didn't pay my fare.

Q Didn't they offer you the money? A No,sir, they didn't offer.

Q Didn't they serve a subpoena too? A No,sir, they never offered me no money.

Q And you wouldn't come would you? A Why you didn't give me the money to come on.

Q Well did you come? A Yes,sir, I come.

Q In obedience to that subpoena? A I am here now.

Q Were you subpoenaed to be here today by the Cherokee Nation? A I guess I was subpoenaed to be here today by the Cherokee Nation.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: Frank Love, D-879, John Baldridge, Jr., D-480, William Love, D-479, Nettie Powell, D-478, and in the case of Sarah Robinson, D-476, also in the case of Charlotte French, D-1012, as well as in the case at bar, the same being that of Emma Powell, No. D-475.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 11th day of July,1902.

P. G. Reuter,
Notary Public.

SEAL.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this 21st day of August,1902.

R. L. Jones
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mollette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 488, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Sarah Robinson, D 476;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

7D476.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings had in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

(C O P Y)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Esau Fox, et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

Esau Fox, et al.,	Cherokee Freedmen D 508,
Tobe Looney,	Cherokee Freedmen D 512,
Eli a Looney,	Cherokee Freedmen D 537
Frank Looney	Cherokee Freedmen D 538
Joe Ross et al.,	Cherokee Freedmen D 542
Phillis Alexander, et al.,	Cherokee Freedmen D 544
Nelson Murrell, et al	Cherokee Freedmen D 548
Lewis Ross,	Cherokee Freedmen D 549
Allen Looney, et al.,	Cherokee Freedmen D 551
Jake Looney, et al.,	Cherokee Freedmen D 573
David Ross, et al.,	Cherokee Freedmen D 799
Steve Looney et al.,	Cherokee Freedmen D 519,
Chaney Ross,	Cherokee Freedmen D 547
Emma Brown, et al.	Cherokee Freedmen D 847
Maggie Willis, et al.,	Cherokee Freedmen D 936

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission as follows, by Esau Fox for himself, his wife, Nancy, and his minor children, Ollie Fox (now Ollie Gibson), Joe Fox, Arthur Fox, Hattie Fox, Euthie Fox and Mary Fox. A Marriage license and certificate having been filed with the Commission subsequent to said application showing the marriage of said Ollie Fox to one Posey Gibson, she willl now be listed for enrollment as Ollie Gibson. Subsequent to said application, an affidavit was filed shewing the birth of Leever Gibson, minor child of Ollie Gibson, and the same is made a part of the record herein. By Emily Looney for her husband, Tobe Looney, as a Cherokee Freedman, and for herself as a Cherokee Freedman by intermarriage. By Eliza Looney for herself and her husband, Frank Looney. By Joe Ross for himself and his two grandsons, Irving G. Looney and John Shadd. By Phillis Alexander for herself and her four minor children, Luther J., Vessie, Esra and Ermer Alexander. By Nelson Murrell for himself and his wife, Flo... Murrell. By Lewis Ross for himself. By Allen Looney for himself and his two minor children, Alice and Bert Looney. By Jake Looney for himself as a Cherokee freedman, and for his wife, Freddie Looney, as a Cherokee freedman by intermarriage. By David Ross for himself and his minor children, Joseph, Harry, Herbert, Vernie, Nelson, Alva and John H. Ross as Cherokee freedmen , and for his wife, Mary Ross, as a Cherokee freedman by intermarriage. By Steve Looney for himself and his wife , Peggy Looney. By Chaney Ross for herself. By Emma Brown for herself and her minor son, Steve Willis. By Maggie Willis for herself and her minor son, Lloyd Willis. The status of persons applying for enrollment as Cherokee freedmen by intermarriage not being fixed at this time, the applications for the enrollment of Emily Looney, Freddie Looney and Mary Ross as such, will not be considered or passed upon in this

decision. Copies of the testimony taken at various times in the matter of the applications of Daniel Thompson, et al., Rufus Ross Elizabeth Meigs, Samuel Beck and Emma McAwee, et al., have been filed herewith and are made a part of the record herein.

The evidence shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross, claim for themselves as former slaves of Cherokee citizens, the right to enrollment, and for the above named children and grandchildren, including in their respective applications, as their descendants; that Eliza Looney is a descendant of said Esau and Nancy Fox; that Frank Looney and Jake Looney are the descendants of Tobe Looney; that Phillis Alexander and her minor children are the descendants of said Joe Ross; that Emma Brown and Maggie Willis, together with their children, are the descendants of said Chaney Ross. All of said applicants, claiming by descent, were born since the commencement of the rebellion, and it is not shown that they have any rights as Cherokee freedmen, other than as such descendants.

The evidence further shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross, were slaves of Cherokee citizens at the commencement of the rebellion; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion and did not return thereto and take up their residence therein, until after February 11, 1867. None of the applicants herein are identified on the 1880 authenticated Cherokee roll.

The evidence further shows that Flora Murrell was residing in the Cherokee Nation at the date of the making of the Cherokee treaty of 1866, and has continued to reside therein from that time, up to and including the date of her application herein.

It is, therefore, the opinion of this Commission that Flora Murrell should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats. 495); and that the applications for the enrollment of Esau Fox, Nancy Fox, Ollie Gibson, nee Fox, Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox, Mary Fox, LeeverGibson, Tobe Looney, Eliza Looney, Frank Looney, Joe Ross, Irving G. Looney, John Shadd, Phillis Alexander, Luther J. Alexander, Vessie Alexander, Ezra Alexander, Ermer Alexander, Nelson Murrell, Lewis Ross, Allen Looney, Alice Looney, Bert Looney, Jake Looney, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Vernie Ross, Nelson Ross, Alva Ross, John H. Ross, Steve Looney, Peggy Looney, Chaney Ross, Emma Brown, Steve Willis, Maggie Willis and Lloyd Willis as Cherokee freedmen, should be denied, under the provisions of section twenty-one of said act of Congress and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman

" " T.B. Needles,
Commissioner

" " C.R. Breckinridge
Commissioner

" " W.E Stanley
Commissioner

Dated at Muskogee, Indian Territory

this March 5, 1904.

FILED
DEC 31 1904
COMMISSION TO FIVE TRIBES.

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Cherokee Freedman, 1013.

DEPARTMENT OF THE INTERIOR,
CO- ISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, DECEMBER 23RD, 1904.

TESTIMONY TAKEN PURSUANT TO GO had in the matter of the application for the enrollment of Charlotte French, as a Cherokee Freedman.

It appears from the record herein that on December 1, 1904, the applicant, Charlotte French, was notified by registered letter and on the 16th day of December, 1904, the attorneys for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 23, 1904, and introduce testimony touching the applicants right to enroll, at which time this case will be taken up for final hearing. On this 23rd day of December, 1904, the applicant appeared by her attorney, John A. Gilger, the Cherokee Nation by its attorneys Hall, Hastings & Davenport.

Aaron Whitmire being first duly sworn, testified as follows:

EXAMINATION BY MR. GARTRELL:
Q What is your name? A Aaron Whitmire.
Q How old are you? A 69
Q What is your postoffice? A Grady's Bluff, Indian Territory.
Q How far is Grady's Bluff from the Verdegris River?
A Half a mile.
Q How far do you live from Lightening Creek? A I live three miles from Lightening Creek.
Q What direction? A East.
Q Do you live in the Coowoescoowee District? A Yes, sir.
Q How far north of Chelsea do you live? A About four miles.
Q Have you lived in that vicinity ever since you came there after the war? A Yes, sir.
Q Are you living on the same place you originally settled? A Yes right on the same place.
Q How far is Big Creek from where you live? A Well it is about eight miles.
Q Does Big Creek flow into the Verdegris River? A Yes, sir.
Q And about eight miles from where you live? A No, it haint that far, the water flows in the river about four miles from where I live.
Q What direction is it from where it flows in the Verdegris River?
A Northwest.
Q Does Snow Creek empty in the Verdegris River north of where you live? A Yes, sir.
Q Between where you live and the Kansas line? A Yes, sir.
Q There are at present a great many colored people living on the Verdegris River, Big Creek and Snow Creek? A There are a great many living there.
Q Were you a slave before the war? A Yes, sir.
Q Where did you live? A I lived in Coingamake.
Q Are you a brother of Louis Whitmire? A Yes, sir.
Q Are you a brother of Jose Whitmire? A Yes, sir.
Q You knew them of course before the war? A Yes, sir before the war.
Q Did you know them and were with them during the war? A Yes sir

Q Where did you go during the war? A I went to Fort Scott, Kansas.
Q Were you in the army? A I wasn't exactly in the army, I was working for the government though blacksmithing.
Q Did your other brothers also work in the army? A They drove teams.
Q Did you know old Sam and young Sam Webber before the war?
A I knew the old man before the war.
Q When did you get acquainted with young Sam? A In time of the war.
Q In the state of Kansas? A Yes, sir.
Q Did you know Mike, Sam, Ruben and Dan Sanders? A Yes, sir.
Q Did you know them during the war? A Yes, sir.
Q Where? A Fort Scott, Kansas.
Q Well at the time the war closed where were you and all of these other parties, including your brothers, Sanders and the Webbers when the war closed? A Fort Scott, Kansas.
Q You are a recognized and enrolled Cherokee Freedman, are you not? A Yes, sir.
Q When did you make the first trip to the Cherokee Nation after the close of the war? A I made the first trip in August, 1866,
Q In August, 1866? A Yes, sir.
Q Well now who came along with you in August, 1866? A Well the old man Sanders.
Q What was Sander's name? A Mike Sanders.
Q Was he the father of Ruben and Dan? A Yes, sir.
Q Who else came with you? A Old man Webber, old man Sam Webber, old man Billie Foreman, Peter Meigs, Moses Whitmire, Nelson Whitmire, Louis Whitmire and Dennis Whitmire.
Q Where did you go? A We came to Big Creek.
Q How long did you stay on Big Creek? A We stayed there two or three weeks, I don't just recollect, I don't know how long, some two or three weeks.
Q Did any women or children come with you at all on that first trip? A No, sir.
Q Where did you go down Kansas and enter the Territory , at what point? A We came right to Oswego and out to where Chetopa is now and turned west and went to Big Creek.
Q And then come down Big Creek? A Yes, sir.
Q Was there a single house anywhere in the Cherokee Nation along Big Creek at that time? A There wasn't nary one for a mile on Big Creek.
Q Was there anyone living on Big Creek in the Cherokee Nation at that time? A No, sir.
Q Was anybody living on Snow Creek at that time? A No, sir.
Q Did you see anybody living on the Verdigris river at that time?
A Yes there was somebody living along the river, along the Verdigris
Q Who? A Old man Riley.
Q Was he a Cherokee? A He was a Cherokee, and Carter, he was a Cherokee and John Coker, he was a Cherokee.
Q Well were there any colored people on the Verdigris river at that time? A No, not that I seen.
Q You stayed around there in that country some two or three weeks?
A Yes, sir.
Q Well what did you do then? A We went back to Fort Scott.
Q That was the first trip that was made by any of the colored people up there, as far as you know, to the Cherokee Nation after the war? A Yes, sir.

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Q That was what was said at the time? A I know that was what they said, there may have been a few come before that and went the other way by Granville.
Q Well now when was the second trip made. A That was made in December sometime.
Q Of 1866? A Yes.
Q Now who came with you on the second trip? A Ransom Daniels, Solomon Foster, Dick Whitmire.
Q Was that old man Dick Whitmire? A Yes, sir, and Sam Rock.
Q Were there any Creeks or Choctaws? A No to Creeks and Choctaws.
Q What became of them? A They went on down.
Q Into their own country? A Yes, sir.
Q Well did you go over practically the same country the second trip that you did over the first? A We didn't go over all the same country, we went over some of it, we done a little work.
Q Well at that time were there any colored people living in any of that part of the country known as Big Creek and Snow Creek country and the Verdigris River? A No, sir.
Q What work did you do in August, 1866? A Put up some houses.
Q Just put up the logs? A Yes, sir.
Q What did you cover them with? A We covered two or three of them, two I believe.
Q Covered you think about two of them? A Yes, sir.
Q But the rest were just the bodies of the houses? A Yes, sir.
Q You didn't put in any fields at that time? A No, sir.
Q Well when you came back in December you come to these same places where you had started your claims before? A Yes, sir.
Q Well how long did you stay there in December, '66? A I stayed there about four days.
Q Where did you go then? A I came to Fort Gibson from there.
Q Where did you go from Fort Gibson? A Coingsnake.
Q What became of those who were with you? A They went back to Fort Scott, Kansas.
Q After going to Coingsnake did you return to Kansas or Fort Gibson? A Yes, sir.
Q About what time of the year did you go back to Kansas? A It was near Christmas time, I don't just recollect what time.
Q Do you remember of the circumstances of Dyer Hayford being killed? A Yes, sir.
Q Did you know Hayford? A Yes, sir.
Q Where were you when he was killed? A Fort Gibson or Tahlequah.
Q On this second trip? A Yes, sir.
Q He was killed when you returned? A Yes, sir.
Q Did you know Ed Smoky, a colored fellow, who killed him? A Yes, sir.
Q How did any women or children go with you to the Cherokee Nation on this second trip? A No, sir, none at all.
Q Well when did you return to the Cherokee Nation finally the third time? A It must have been in March sometime.
Q The following March of '67? A Yes, sir.
Q Well who came with you that time? A Well Sanders, old man Sanders, Mike Sanders, Peter Paige, Billie Foreman, Tuck Sanders Robin Sanders.
Q Well did Louis Whitmire come with you that time? A No, he didn't go that time.
Q Where was he? A Fort Scott.
Q Did Dennis come that time? A No, sir.

Q Did this preacher, Joe Ross, come that time? A No, sir.
Q Well did Sam Webber come that time? A No, he didn't go.
Q Well how long after you come before you moved down here?
A A couple of weeks I guess, maybe not quite so long, a short time.
Q Do you remember the circumstances as you were leaving to come here about Ali Mackey going to jail for the murder of Tyer Hayworth all there being considerable excitement when you passed through
A Yes, sir.
Q Were the Sanders boys along on that trip? A Yes, sir.
Q And you say now that Sam Webber didn't bring his family when you came but a couple of weeks after? A Yes, sir.
Q Well now when you did move your families down to where you located were there any colored people living in that part of the country? A None that I know of.
Q Were there any on the Verdigris River or the Lightening Creek country or Snow Creek or Big Creek country? A None that I ever heard of or seen and I traveled a good deal through the country.
Q Where did you do your trading when you first came from Oswego?
A At Old Parker some.
Q Now in order to go to Oswego you had to go from your place north up from Big Creek and Snow Creek country? A Yes, sir had to go north.
Q There were no fields there in '66? A None at all.
Q Hadn't no corn planted or crops raised that year? A No, sir.
Q Did you have any crops in '67? A Yes, sir. We had crops in '67.
Q But before that none were put in by a colored people at all?
A Not that I know of.
Q Well do you know Sam Alberty? A Yes sir, I knew him before the war.
Q Did you know him after the war? A I never seen him but once after the war that I knew of.
Q Well did you know before the war that he located on the mouth of Snow Creek? A Yes I knew about the place.
Q Well was he living there when you moved down here in March of '67? A No, sir.
Q Well now how long after that that Sam Alberty moved down in the Cherokee Nation? A It must have been sometime in '68, nearly '69 somewheres along there.
Q And you know he wasn't there when you first moved? A Yes, sir. He wasn't there.
Q You know John Landrum? A Yes, sir. I know Jack Landrum.
Q Well now when did Jack move his family down here? A Well I don't recollect just what time Jack did move there.
Q It was after you moved there? A Yes, sir.
Q He wasn't living there in '66? A No, sir.
Q Did you know him in Kansas? A No, I never saw Jack in Kansas at all.
Q Did he marry some relation of yours? A Yes a sister.
Q Were they married in Kansas or in this country? A In Kansas.
Q After the war? A Yes, sir.
Q Were they married when you left there with your family?
A Before that, before I left.
Q But he didn't move down with his wife until after you came down?
A No, sir.
Q How long was it after you moved down the third time until Jack came? A It must have been in '68, somewheres along there when they come to where I lived.
Q Well how far did they settle from you? A Aboutothree miles.
Q Then there was no women or children come on any of these trips

until you moved down in March '67? A No, sir not until we moved.
Q You are the same man who is known as Aaron Whitmire who testified before the Chambers Court in '78? A Yes, sir.
Q And Louis Whitmire and Moses Whitmire who were admitted to that court were your brothers? A Yes, sir.
Q You at that time had for your witnesses Blue Alberty, William McCracken and others, did you not? A Yes, sir.
Q You stated in your application at that time, and your witnesses stated for you the same facts that you stated here, to-wit; that you returned with your family and moved down here in the spring of '67? A Yes, sir.
Q That is all true, is it not? A Yes, sir, that is the truth.
Q Well now Sam Webber never moved down here until the spring of 1867? A No, sir.
Q And young Sam didn't come with his father in August, 1866?
A Yes he come in '66 with his father.
Q Did he go back? A He went back, yes sir.
Q Did he come back in December, 1866? A I don't recollect now whether young Sam was along in December or not.
Q But you remember distinctly that he moved down here some two or three weeks after you did? A Yes, sir.
Q How far did the Webbers settle from you when they came down in the spring of '67? A It is about six or seven miles from where I live.
Q You knew them well did you? A Yes, sir.
Q Had you seen them in Kansas before the war and before you moved down here? A Yes, sir.
Q About how far did they live from you in Kansas? A About 20 miles I think.
Q Did you live in the town of Fort Scott? A Yes, sir, I worked there in town.
Q Blacksmithing? A Yes, sir.
Q I believe that you stated that you knew Dyer Hayford, what was his business? A He had a grocery store and sold groceries.
Q Did you buy goods from him? A Yes, sir.
Q You stated that you knew Eli Mackey? A Yes, sir.
Q William McCracken says he met you in December, 1866, in December, before the Chambers court, did you meet him that year?
A Yes, sir.
Q Were your brothers with you? A No, they wasn't with me then, I left them on the Verdegris River, I met McCracken down at Fort Gibson.
Q Did you tell him where you were going? A Yes, sir.
Q What did you say? A Told him I was going to Goingsnake.
Q As I understand you you went to Goingsnake by the way of Thalequah and came back by the way of Fort Gibson and then went to Kansas and got back to Kansas sometimes during Christmas week?
A Yes, sir.
Q Which was after Hayford was killed? A That was after Hayford was killed.

BY THE COMMISSION:
Q During the war Mr. Whitmire, you colored people settled in Fort Scott in the same neighborhood, did you? A Not exactly
Q Well you knew one another quite well? A Yes, we knew one another.
Q Refugees from the territory who had gone out during the war?
A Yes, sir.
Q You were acquainted reasonably well were you not, with all of the parties who came down in that first crowd in August of '66?
A Well yes sir.
Q You knew all the parties in that crowd? A Yes sir.

Did you give all the names of those you can remember in response to Mr. Hastine's questions? A All I can remember, yes sir.
Q What was your purpose in coming that first trip, Mr. Whitmire
A Come to make homes.
Q You come down to build some hous es? A Yes, sir.
Q How did you go to the territory, wagons or horseback?
A Come in wagons.
Q What kind of teams did you have? A Some had mules, some hor horses and some oxen.
Q Did you have a family at that time? A Yes, sir.
Q A wife and some children? A Yes, sir.
Q But you left them in Fort Scott? A Yes, sir.
Q It was the understanding, was it, that you people were to come here and start some houses before going back to Kansas for your families? A Yes, sir.
Q Who did your cooking on that trip? A Well the boys done the cooking.
Q Did you bring along any women at that time to do the cooking?
A No, sir.
Q You are positive that there were no women at all in this crowd, are you? A No women that I recollect and no children.
Q Well you would have remembered it, wouldn't you? A Yes, sir, I think so.
Q It was a pretty wild country here at that time? A It was a wild country, yes sir.
Q Well now when you came down in December the second time for what purpose did you come? A We come down to work on our places.
Q You left your family at Fort Scott on your second trip?
A Yes, sir.
Q Were there any women in that crowd who came down in '66?
A No, sir.
Q There were none? A None.
Q How did you come the second trip? A In wagons.
Q At that time, in the fall of '66 , did you have some brothers and sisters? A Yes, sir.
Q All of your brothers came with you in the fall of '66?
A Rose, Louis, Dennis and Nelson.
Q Did you have some sisters living at that time? A Yes, sir.
Q What were their names? A The oldest was Mariah, Polly Ann, Mary Ellen.
Q Where did you leave them on your first and second trips to the Cherokee Nation? A I left Mariah at Lawrence and Polly Ann at Fort Scott with her brother Dennis and I don't know where Mary Ellen was.
Q Did your sister, Polly Ann, come with you when you come in the spring of '67? A No, she came with her brother Dennis.
Q How long after you came until Polly Ann came with Dennis.
A About two or three weeks as near as I can recollect.
Q That was the first time, was it Mr. Whitmire, that Polly Ann had been in the Cherokee Nation after the war, so far as you know? A Yes, sir, Polly Ann was a girl then staying with her brother Dennis, she wasn't of age, she was staying with Dennis and living with him.
Q And she didn't come with Dennis in the fall of '66? A No she didn't come with Dennis when he come before.
Q She stayed with his family in the town of Fort Scott, Kansas.
A Yes, sir.

Q Was little Sam Webber married when he come down here with his father in '66? A Yes, sir.
Q Where was his wife? A She was in Kansas.
Q Was there any woman come with little Sam Webber when he come on either of these trips in '66? A No, sir.
Q Well Mr. Whitmire, if any woman claims to have come down here in August or December, 1866 with this detachment of which you were a member, she is mistaken? A Yes, sir, she is mistaken.
Q You are positive that there were no women or children on either of these trips? A Yes, sir.
Q You were a grown man then weren't you? A Yes, sir.
Q And you are an intelligent fellow who would remember, wouldn't you, Mr. Whitmire? A Yes, sir.
Q And you remember that no women or children came with you on either of these trips? A No, sir, not one.
Q You have been acquainted with all these parties since your removal to the Cherokee Nation, have you Mr. Whitmire? A Yes, sir.
Q Known where they have lived and all about them? A Yes, sir.

BY MR. HASTINGS:
Q Wasn't it a fact that the Chambers Court admitted all of you people who made this first and second trip here to the Cherokee Nation that applied to the Chambers Court and introduced this testimony? A Yes, sir.
Q The Cherokee Nation or its authorities never did deny you did they? A No sir, never did.

BY MR. BULGER:
Q Mr. Whitmire when you started from Fort Scott to the Cherokee Nation what road did you take? A I come right down by Lightening Creek, what is called Lightening Creek, crossed over at Oswego and come down by Sapulpa and there we turned west and went over to the head of Big Creek.
Q How far down Big Creek did you go and where did you settle?
A We come down I guess eight or ten miles from the head to where we live.
Q Did you go north of where Centralia now is? No, sir west of where Centralia now is.
Q Well did you settle on Big Creek? A No, on Salt Creek, that is below Big Creek.
Q Which direction did you settle from Nowata? A Southeast, pretty nigh east.
Q Were you on Snow Creek, did you go down Snow Creek during that first trip? A No, sir.
Q Were you on Snow Creek? A I have been on Snow Creek.
Q How long were you there about fowr weeks? A No, not that long, not then.
Q Do you know whether or not anyone lived on Snow Creek? A No-one that I know of.
Q How do you know if you wasn't there? A I was there, but I didn't see anybody on Snow Creek or anybody living there.
Q When in August, '66? A Yes, sir, after that.
Q Where were you going when you passed Snow Creek? A By old Tahlequah and different places there, Westralia.
Q Did you have to go by Snow Creek to go by Westralia?
A Yes sir, it was an old trading post up there near old Tahlequah, east of Tahlequah on Pumpkin Creek.
Q How far was Westralia from where you was building those houses?
A About twenty miles.

Q Which direction? A East.

Q Which side of Big Creek is Westralia on? A On the west side of Big Creek.
Q Which side of Snow Creek? A On the west side of Snow Creek.
Q Which side of the Verdegris? A On the east side of the Verdegris.
Q Where were you going when you went through Westralia? A Going to old Tahlequah, I had started to different places up there going to Westralia to trade sometimes during the past.
Q Then when you come to the Cherokee Nation that time you started at the head of Big Creek, went south down seven or eight miles where it runs into the Verdegris? A Yes sir, all the way from the head of Big Creek to where it runs into the Verdegris.
Q And settled on the southeast side of Big Creek where it turns around there into the Verdegris? A Yes, sir.
Q And there you built some houses? A Yes, sir, our houses was on Salt Creek about four miles from the mouth of Big Creek where it empties into the Verdegris.
Q When did you build there? A In '67.
Q Then where was it that this crowd that came in August of '66 built their houses? A They built them on Big Creek. It was about six or eight miles above where I live.
Q Did you find your location where you built some houses in '66?
A Yes, sir.
Q But you didn't erect any buildings there until '67? A No, sir.
Q Who built those houses in that first '66 settlement? A Sam Webber built one, old man Webber and old man Mike Sanders and old man Meigs.
Q Did you have to cut trees down and hew these logs out? A We cut the logs down and hewed them out.
Q What did you cover these houses with? A Boards.
Q Where did you got the lumber? A It wasn't lumber boards, it was olab boards.
Q You was there four weeks? A Yes, sir.
Q You came to the Cherokee Nation, built these houses and went back to Fort Scott, when did you go back to Fort Scott? A I don't recollect just exactly what time I did get back on the first trip, I don't recollect.
Q How long did you stay down in the Cherokee Nation when you were down here? A Two weeks that time.
Q The first time? A Yes, sir.
Q During those weeks you built several houses? A Yes, sir.
Q Visited around different settlements on Snow Creek? A There wasn't no settlements that we looked around, we saw the country.
Q What was your idea in looking at the country when you had located and built your houses? A We wanted to see if there was any place better.
Q Moved your houses would you? A The houses were just some logs and we could have got more if we had found a better location.
Q Well then you returned to the Cherokee Nation in December?
A Yes, sir.
Q What way did you come that time, what road? A We come pretty nigh the same road as we come the first time, by Lightening Creek.
Q Came down by Lightening Creek? A Yes, sir.
Q Came down by Big Creek? A Yes, sir, Big Creek.
Q Stayed right close to the river? A Come to where we started our buildings.

Q Did you stay down in the bottom along Big Creek? A Yes, sir, we come along the bottom.
Q Now Mr. Whitmire, in August when you folks come down there, did you stay in the bottoms or get out on the grass? A No, we didn't exactly stay in the bottoms, we would go out on the prairie and look around.
Q Wasn't there great high grass in the bottoms that time and made it difficult to travel through? A Yes, sir, there was grass there.
Q Wasn't the grass a little short on the prairie? A Yes, sir.
Q And for that reason you stayed out of the bottoms on the way down? A No, we went in the bottoms.
Q You didn't travel down in those bottoms all the time did you? A No, sir.
Q You didn't travel in that big grass did you? A Yes, sir in places.
Q What did you have, wagons? A Wagons and teams.
Q What kind of horses did you have? A Some mules, some horses and some oxen.
Q But now what was your object in traveling in that high grass that big blue stem, instead of going on the prairie? A It was a good place, that was the object, if you was looking for a location you wouldn't go out on the prairie to hunt it.
Q Did you know where you was going when you left Fort Scott? A Yes, sir.
Q You had been in that country before the war? A No, I never was in it until after the war.
Q Were there any other crowds of Freedmen that come out from Fort Scott after August 1866, before you came in December? A Why, I don't know that.
Q You don't know? A No, sir.
Q Did Bill McCracken and Levi Dougherty and those fellows live in that country in those days? A No, sir.
Q Did you ever see them there? A I never seen them there, Bill McCracken lived on Flat River and Eli lived on Pryor Creek.
Q Where did Blue Alberty live? A On Pryor Creek.
Q When you came down in December, 1866, how long did you remain in the Big Creek country? A Four days.
Q Then where did you go? A Fort Gibson. Up to Goingsnake and then to Tahlequah.
Q And returned the same way? A I returned the same way.
Q What time did you go to Fort Scott? A About Christmas time.
Q How were you traveling those times? A Teams.
Q How long did you stay in the Goingsnake neighborhood? A Two weeks and stopped at Tahlequah three or four days.
Q Did you stop any length of time at Fort Gibson? A Four days, I think, maybe longer, I don't know exactly, four days or a week.
Q You left Fort Scott in December? A Yes sir.
Q Returned sometime during Christmas holiday week, between Christmas and New Years? A Yes, sir.
Q Stayed four days in Indian Territory? A Three or four days in Gibson.
Q Stayed a couple of days in Tahlequah and Goingsnake? A A couple of weeks.
Q Stayed a couple of week in Tahlequah and Goingsnake and got back there about the first day of January? A I don't know whether the first day, I guess it was about the first.

BY MR. HASTINGS:
Q How long after you come the last time before Louis moved down, your brother Louis? A I guess it was two or three weeks, I don't recollect just exactly.
Q But even at the time you moved there were no families at that time living anywhere in the section of the country? A None at all, Old man Riley the closest that I knew and I lived four miles from him.
Q In the Cherokee Nation? A Yes, sir.
Q Well I meant when I asked the question there were no colored people? A No.
Q You were the first people? A First ones that I know of.
Q And you come down some two weeks before the Webbers moved there.
A Yes, sir.
Q And the Sanders family came with you? A Yes, sir. Sanders and Meigs.
Q Did they live about Fort Scott? A Yes, sir. Sanders lived there and Meigs lived there.

BY MR. BULGER:
Q Now Mr. Whitmire when you came down in December did you go directly to your places that you had located in August? A Yes.
Q Didn't scout around over the country like you did in August?
A No, sir.
Q Did you know of anybody who lived in the Snow Creek country or up in the Big Creek country, except in that immediate neighborhood where you went? A I didn't know for certain.
Q Now when you were on this trip to Goingsnake, how did you go?
A Wagon and two mules.
Q You s y little Sam Webber came with you in August? A Yes, sir.
Q And he was married before this? A Yes, sir.
Q Did he return with you in December? A Yes, sir.

BY MR. HASTINGS:
Q Well you know that there was nobody living on Snow Creek after you moved down here in the spring of '67 because you had occasion to go back and forth up there? A I was up there from two to three weeks, had to go up to the little trading post at Oswego and get provisions.
Q And you saw nobody living in that section of the country?
A No, sir.
Q Well now the first trip you came I judge you traveled considerably over all of this country hunting a suitable place to locate?
A Yes, sir.
Q Well neither of the Webbers or none of the rest never did mention having been back to that section of the country before that in August? A No, sir.
Q None of them had been there before? A No, sir.
Q And there were no women on the first or second trips and no children? A No, sir.

BY MR. BULGER:
Q When you came down in December did you stay down in the bottoms close to Big Creek? A Yes, sir right in the bottoms.

BY MR. HASTINGS:
Q You had been game hunting a good deal of the time at that time had you? A It was all we had to eat.
Q And that made you go round in those bottoms in search of game?
A Yes, sir.

JAMES M. KEYS being first duly sworn testifies as follows:

BY MR. HASTINGS:
Q What is your name? A James M. Keys.
Q What is your age? A 62.
Q Are you a Cherokee citizen? A Yes, sir.
Q Where were you living when the war closed? A I was down south in the Choctaw Nation.
Q When did you return to the Cherokee Nation? A I came to the Cherokee Nation in June, 1866.
Q When did you first have occasion to visit Cooweescoowee district or that part of Cooweescoowee known as the Snow Creek, Big Creek and Verdegris country? A In the winter of 1867. I had a large bunch of cattle near Claremore, Indian Territory and in the spring of 1866 we had lost some cattle and there had been another herd of cattle near where I had these cattle I had charge of and they drove them in the direction of Kansas and I followed these cattle on the east side of the river to Coodys Bluff and crossed over at Coodys Bluff and stayed all night and in the morning came on the east side and followed up on the Verdegris river to Snow Creek and found the bunch of cattle I was following.
Q How far from the Kansas line? A Well, I couldn't say, it was right near the Kansas line.
Q They were near the Kansas line? A Yes, sir.
Q When you had occasion to go up to the Verdegris river from where it flows out of Kansas into the Cherokee Nation? A Yes, up as far as Snow Creek.
Q How did you see any colored people along the Verdegris river and Snow Creek on that trip? A Well after leaving Coodys Bluff and going north on the east side of the river I didn't see a single house or habitation of any kind along the river, and I followed as close to the river as I could.
Q You were in search of this bunch of cattle and you were looking to see if you could find any people? A Yes, it was a wild country then and I would have been glad to have seen any house.
Q Were there any people living on Snow Creek at that time?
A I didn't see a single house.
Q Did you know where Ben Alberty claims to have settled? A Yes I know where the old place is.
Q How far did you go from the old Ben Alberty place on this creek?
A My best judgement is in the neighborhood of one mile.
Q How far did you pass from it when you went up? A I went right up Snow Creek until I could see the cattle on the other side and followed right up the Verdegris river until I came to Snow Creek.
Q And you could see no persons living in that section of the country? A No evidence of any habitation outside of the cattle down where the cattle were.
Q And you could see them at once? A I saw them at once.
Q How large a stream is Snow Creek? A Just a small stream.
Q Just a little branch? A It is a little creek with some timber that runs out of the Verdegris and heads toward Kansas.
Q Runs for a few miles in the Cherokee Nation? A Yes, sir.
Q And you saw no colored people at all on that trip? A No evidence of any habitation or anything.
Q And you never heard of any people who had seen the cattle?
A No, about half way between Coodys Bluff and Snow Creek I met two men and they told me no-one lived there.
Q They had seen this heard of cattle? A Yes they had seen these

cattle and had been to a town in Kansas, Osage, I knew them, they were two Cherokees.
Q Did you make any inquiries as to whether there was any settlement or not? A Yes, so I could stay all night.
Q Do you think it would be possible for Ben Alberty to have lived where y u knew he afterward settled without your seeing his house? If he had lived there when you went up Snow Creek in search of these cattle you would have seen his house? A I don't think so, if there had been any house I would have seen it.
Q Which way did you go back? A I came back the way I went, along the river.
Q Did you take charge of these cattle? A No sir, I left them in the herd, it was a long ways from where I was located and I left the cattle there until I came back.
Q You didn't go across to Salt Creek where Aaron Whitmire lives? A No, sir, I followed the Verdegris circle.
Q You left the Whitmire settlement to the east of you? A Yes some miles to the east.
Q And that is the reason why you didn't see their settlement? A Yes, sir.
Q Did you follow Big Creek? A Not any distance.
Q Big Creek flows in the Verdegris river? A Yes, sir, a little north of Coodys Bluff.
Q Instead of following Big Creek you went up the Verdegris river? A Yes, sir.
Q But when you struck where Snow Creek flows into the Verdegris you went up Snow Creek? A Yes a little, the cattle were between the river and Snow Creek on the north side and I followed the creek until I could see them on the other side and crossed.

BY MR. BULGER:
Q When was this Mr. Keys that you made this trip in April or May? A In April or May of 1868.
Q Where did you strike the Verdegris river when you started? A I went near Claremore and went from there to Coodys Bluff the first day.
Q On the east side of the river? A Yes Goodys Bluff is on the east side of the river. I stayed all night with Looney Riley.
Q Where did you cross the Verdegris River to go to the Snow Creek country? A I crossed it the next morning and went right up the river, there was considerable timber along the Verdegris at that time.
Q About the same as now? A Yes, sir.
Q How far out from Snow Creek did you stay when you went across the country for these cattle? A Not a great ways, I don't think it was more than from a half a mile on the east side of Snow Creek.
Q Is there any timber on Snow Creek? A Yes, sir, there is a little timber along there.
Q You didn't go on the east side of Snow Creek until after you had crossed that time, you went right across? A We followed up on the east side and crossed over on the west side and went to the herd of cattle.
Q How far up did you go until you crossed? A Well I couldn't say, a mile and a half or such a distance.
Q Do you know whether or not there was anyone living down on the fork where Big Creek flows into the Verdegris? A I saw no evidence of any settlement or habitation and I paid pretty close

attention and didn't see anyone living there.
Q But you don't know that there was no one living there? A I couldn't say positively.
Q How far east did you continue to go up Snow Creek? A Well I went right up the Creek, followed right up the river until near the mouth of the creek and then went up the creek about a mile and a half.
Q Never did go any farther? A No crossed there to the bunch of cattle the creek was running northeast at that point.
Q The cattle were on the northeast part of the prairie? A Yes, sir.
Q About how far? A One half mile or somewheres along there.
Q After you found those cattle did you return to Claremore? A I just rode into the bunch of cattle and then I turned and went back down the river.

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The Cherokee Nation asks that the testimony taken of Aaron Whitmire and James M. Keys on this date be made a part of the record in the case of Frank Love, F. D. 879; Sarah Robinson, F. D. 476; Larkin Powell, F. D. 475; Polly A. Canard, F. D. 814.

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Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 23rd day of December, 1904, and that the above is a full, true and correct transcript of her stenographic notes thereof.

Opal Griggs

Subscribed and sworn to before me this 31st day of December, 1904.

Charles V. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Powell, et al., as Cherokee Freedmen, consolidating the applications of:

Emma Powell, et al.,	Cherokee Freedmen D-475,
Sarah Robinson, et al.,	Cherokee Freedmen D-476,
Nettie Powell, et al.,	Cherokee Freedmen D-478,
William Love,	Cherokee Freedmen D-479,
Frank Love,	Cherokee Freedmen D-879,
Amanda Gaskins,	Cherokee Freedmen D-994,
Charlotte French,	Cherokee Freedmen D-1012.

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O R D E R .

It is ordered that a copy of the testimony of Lewis Ross, applicant in Cherokee Freedman Case No. D 549, taken at Chelsea, Indian Territory, June 6, 1901, its decision rendered by this Commission on March 5, 1904, in the consolidated case of Esah Fox, et al., Cherokee Freedmen D 508, et al., in which was included the said case of Lewis Ross, Cherokee Freedmen D 549, and departmental letter of August 31, 1904, (I.T.D. 6756-04), affirming said decision, be filed with and made a part of the record in the applications of Emma Powell et al., Cherokee Freedmen D 475, Sarah Robinson, Cherokee Freedmen D 476, and Nettie Powell, Cherokee Freedmen D 478; and

That the testimony of Robert Adair, taken at Chelsea, Indian Territory, May 31, 1901, in re the application of his wife Ida Adair, Cherokee Freedmen D 99, be filed with and made a part of the record in the applications of William Love, Cherokee Freedmen D 479 and Frank Love, Cherokee Freedmen D 879.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Commissioner

Dated at Muskogee, Indian Territory,
this DEC 28 1904

FILED
FEB - 4 1905
COMMISSION TO FIVE TRIBES.

Cherokee Freedman D-476.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JANUARY 30, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SARAH ROBINSON ET AL., as Cherokee freedmen.

It appears from the records of the Commission that on January 13, 1905, the applicant, her attorney, and the attorneys for the Cherokee Nation were notified by letter that they may appear before the Commission at its offices in Muskogee, Indian Territory, on January 30, 1905, and introduce testimony touching the points mentioned in said letter.

APPEARANCES:
Applicant appears in person and by attorney, J. Garfield Buell.
Cherokee Nation by its representative, W. W. Hastings.

STEPHEN LITTLE, being first duly sworn, testified as follows:

BY MR. BUELL:
Q What is your name? A Stephen Little.
Q Where do you live? A I live in Cooweescoowee District.
Q What is your post office? A Lenapah.
Q How old are you uncle? A I am 80 years old.
Q Do you know the applicant in this case, Sarah Robinson? A Yes sir.
Q Did you know her people, her father and mother? A Yes sir, knowed them both, knowed her ever since she has been a girl.
Q Can you state where her father Lewis Robinson was in 1866, that is right after the war? A In 1866 on Snow Creek.
Q Was he living there at that time? A He was living there in the fall of '66, he come there just about the time that grass would not do to cut and put up for hay, and he stayed there that winter and bought hay from me to feed his cattle.
Q Was he there with his wife? A He was there with his family.
Q What District is Snow Creek in? A Cooweescoowee District.
Q You know that this applicant, Sarah Robinson, is the daughter of Lewis Robinson whom you saw in 1866? A Yes sir.

BY MR. HASTINGS:
Q You are a colored man? A Yes sir.
Q You are the same fellow that testified here in the Hazelrig case?
A I believe I am the same man.

Mr. Hastings: The Cherokee representatives in order to impeach and attack the credibility of this witness reference is made to the statement of this witness made in that case, and the contradictory reproof introduced therein, in Cherokee Freedman D-987.

Q What is this girl's father's name? A Lewis Ross.

Q And you mean to tell this Commission that Lewis Ross was living on Snow Creek in 1866? A I didn't say that he was living there, his father----
Q Whose father? A Her grand-father.
Q What about her father? A I don't know nothing about her father.
Q How about her father? A I don't know where her father was.
Q Wasn't her father a slave? A I couldn't tell you that.
Q You only knew her grand-father? A I knew her grand-father.
Q Her father's father? A Yes sir, and I knowed her mother.
Q Her father was a slave? A Of a Cherokee.
Q And you never saw her father? A Never seen her father, seen him a hundred times.
Q But you didn't see him in 1866? A No I saw him after he married her mother.
Q You are not a Cherokee Freedman yourself? A No sir.

BY MR. BUELL:
Q Do you know this Sarah Robinson's mother? A Yes sir.
Q How long have you known her mother? A From a girl baby, old man Ben Alberty brought four children there when he come.
Q When? A In '66.
Q Where? A On Snow Creek.
Q This woman's father? A This woman's mother was a little girl then about so high (indicating), then she married and this is one of the children.
Q This woman's family came there in 1866 you say? A Yes sir.
Q That is her mother's family? A Yes sir.
Q How many children were they? A Four.
Q Was this woman one of those four children? A No sir, her mother Emma, the mother of this girl.
Q As far as this woman's father is concerned you do not know that?
A I didn't see him then.
Q You know about her grand-father on her father's side? A Yes sir that is what I knew on her mother's side.
Q You know her mother was there in 1866? A Yes sir, I know she was.

BY MR. HASTINGS:
Q What year is this? A They say it is '95.
Q What year did they pay that big Cherokee payment? A I can't go back and tell I don't keep no dates.
Q You say Ben Alberty was living right there on Snow Creek? A Yes sir.
Q Building a house there? A Yes sir.
Q How far from the mouth of Snow Creek? A About three quarters of a mile or a mile.
Q What was George Hazelrig's wife's father, Mary Hazelrig's father?
A I have nothing to do with that.
Q You never heard of that case, did you?

Mr. Buell: I object to talking about collateral matters in this case.
Commission: Objection noted.

Q Didn't you testify in that case? A I did, did I testify anything about George Hazelrig.
Q Did you testify in that case? A I did.
Q Why did you swear just now that you knew something about them?
A I didn't know nothing about George Hazelrig.

Q You knew about his wife's folks? A I said I had seen the old man but I told you that I knew nothing about this man.
Q But you swore he was there in 1866? A I swore he come there in 1866.
Q And you knew then that he was living in Kansas and lived up there 20 years after? A I don't know where he lived.
Q Why did you come here and make yourself a party to a fraud and swear that? A I didn't do it.
Q Didn't you swear in the case? A I swore in the case, but I didn't swear I told you I didn't know where he lived, and Mr. Keys will have to bear me out in it, but I swore I saw the old man in the house.
Q What side of Snow Creek did Ben Alberty live on? A On the north side.
Q About how far from the mouth? A About three quarters of a mile or maybe more.
Q Right about where the road crosses? A Right on this side of where the road crosses.
Q What month did he come there? A I don't know but I told you awhile ago they come there too late to put up grass.
Q He had lots of cattle there? A He fetched down about 16 or 17 cows.
Q What place in Kansas did he come from? A I don't know, never asked him.
Q Those cattle ranged around there at that time? A Yes sir some of them ranged there for a long time.
Q How far do you live from him? A About three quarters of a mile.
Q What direction? A Right west of the Verdigris, he lived on Snow Creek.
Q How far did you live from the mouth of Snow Creek? A I lived about as far from Snow Creek as from here to, about a quarter of a mile.
Q How old was this girl's mother when you saw her ~~[illegible]~~ first?
A I don't know, she was a good big girl, I never asked anything about the children.
Q Was she born there? A If she wasn't born I wouldn't have seen her.
Q Do you know where she was born? A No sir.
Q Was she born after they came there or before? A Before.
Q How old was she when you first saw her? A I don't know.
Q You don't have any idea? A If I had an idea I wouldn't like to tell you.
Q You would like to keep it to yourself and be smart? A I don't know but she was a good big girl.

BY MR. BUELL:
Q Haven't you appeared here as a witness for the Cherokee Nation?
A They forced me in this court by the United States Marshal, I told them I had no atacagedence here.
Q They forced you here? A Yes sir.

BY MR. HASTINGS:
Q Did they force you here this time? A I was forced here through charity.
Q Why did you come before? A I know I testify the very same every time I have been here as I do now.
Q Why didn't you come here in this case before, it has been about four years? A I didn't know it was pending.

BY MR. BUELL:
Q Where were you during the war? A I was here in this country.
Q When did you go to Snow Creek? A In '66.
Q How long was that after the war? A It was about, I think I stayed up north about three years, '64, '65, smewhere along there, and I stayed over a year and come down here to take care of some cattle.

BY THE COMMISSION:
Q Are you an applicant before this Commission for enrollment?
A I am not, my wife claimed a right here and went to the court, the first court that was ever at Tahlequah and they said niggers had no right there, that they couldn't enroll niggers there.
Q You were here when the war broke out were you? A I was here when the war broke out.
Q Wait a minute, were you here when the war broke out? A In here.
Q Yes? A No.
Q You came here to the Cherokee Nation from Arkansas? A No sir, I come to the Cherokee Nation from Van Buren and from Missouri to Van Buren, and then back home again.
Q Then when did you go to the Cherokee Nation the first time?
A In '62.
Q Then did you live in the Cherokee Nation all that time? A No sir
Q You didn't stay there long that time? A No sir, went off with the army.
Q Then when did you come back after the war? A '66.
Q What made you come here in 1866? A I was hired to come, and my wife, this was her home.
Q When were you married to your wife? A I was married to my wife on Dry Wood right up there by Fort Scott.
Q When? A In '63 I don't know exactly what time it was.

MARIAH FRENCH, being first duly sworn, testified as follows:

BY MR. BUELL:
Q What is your name? A Mariah French.
Q Where do you live? A Two miles northeast of Lenapah.
Q Are you a Cherokee citizen? A I am an intermarried woman.
Q How old are you? A About 53 in February.
Q Are you acquainted with the applicant here, Sarah Robinson?
A Yes sir.
Q How long have you known her? A I knew her from a baby.
Q Did you know her mother? A Yes sir.
Q I will ask when you first remember seeing her mother? A The first I ever saw her was when her father came to our place on Snow Creek.
Q When was that? A In the fall of '66.
Q Where were you living then? A We were living over near the mouth Of Snow Creek.
Q Who were you living with? A With my father.
Q Who ishe? A Stephen Little.
Q Is your father a citizen? A No sir.
Q Do you know whether Sarah's mother had any brothers or sisters?
A Yes sir.
Q How many? A Four children of them.
Q When did you first commence to live on Snow Creek? A We came there on the 15th day of April in '66.
Q Where did you come from there? A From Leavenowrth, Kansas.

Q Were these people there when you got there? A No sir.
Q When did they get there? A In the fall.
Q Late fall? A Yes sir.
Q Have you known Sarah off and on ever since? A I have known her from a baby, I knew her baby.
Q She has been a resident of the Cherokee Nation? A Yes sir, I think she must have been a little girl then 10 or 12 years old.

BY MR. HASTINGS:
Q Are you an applicant for citizenship? A Yes sir.
Q When did you apply? A At Nowata.
Q Did you apply as a Cherokee Freedman? A No sir, I did not.
Q Did you apply as the wife of whom? A William French.
Q There was a considerable dispute at Nowata about the birth of a child, wasn't there? A Yes sir there was.
Q What was that child's name? A Her name was Mary.
Q You swore that that child was born after you and William French were married, did you? A No sir.

Mr. Duell: I object to that.

Q What did you swear? A I swore she was eight months old when we were lawfully married.
Q Didn't you swear at first that the child wasn't born until after you were married? A No sir.
Q You are not a citizen of the Cherokee Nation? A I married William French my husband was a citizen.
Q What is the number of your case, aint it freedman doubtful 1010?
A I don't know sir.
Q How many children did Ben Alberty have when he moved there?
A He brought Charlotte.
Q How old was Charlotte? A She was a young woman. He brought Willie, Benny and Abe.
Q How old were they? A Benny was a little fellow.
Q Did you apply for a daughter by the name of Emeline? A I did.

Mr. Hastings: In order to impeach and attack the integrity of this witness the representatives of the Cherokee Nation ask that the testimony filed in Freedman Doubtful 1010 be made a party of the record in this case.
Commission: The same will be done.

Q When was you first summons as a witness down here in this case?
A I have never had any summons.
Q How did you happen to come down? A They asked me to come down.
Q Who? A This boy and this girl.
Q You were around the sitting of the Court at Nowata? A No sir I was there attending to my own business.
Q How long were you there? A The very last filing there.
Q You are the daughter of this old man Stephen Little, who testified awhile ago? A They tell me he is my father.
Q You doubt it? A No sir.
Q You call him your father? A Yes sir, I don't know any better.
Q What side of the river do you live on? A We live on-----
Q Did Ben Alberty have a house? A He had a house built.
Q He had one after he come? A He put up a little shanty.
Q How far from that road that run up Verdigris and Snow Creek?
A Road on Snow Creek, there were no roads there but trails.
Q How far from that trail? A There were trails all up and down that creek just like hog paths.

BY THE COMMISSION:
Q How long have you known this applicant? A I have known her from a baby.
Q Where has she lived since you have known her? A No where but in the Cherokee Nation as I ever heard of.
Q Have you been seeing this applicant frequently since she was a baby? A I guess I have seen her ever two or three months ever since she was a baby.
Q And you know she has lived in the Cherokee Nation all that time?
A All that time she has never been any further than Coffeyville so far as I know.
Q Did you know Lewis Ross or Robinson, her father? A I have known him from a baby.
Q Where did you know him? A On Snow Creek.
Q When? A His father and mother moved there, when he was a small boy.
Q When? A In '68 I think.
Q That was the first time you saw him then in the Cherokee Nation in 1868? A Yes sir.
Q Do you know when he married the mother of this girl? A I paid no attention, I know when this girl's mother was first married to another man and then when she went up there and married this Lewis Ross, he is Joe Ross's son.
Q What Joe Ross, the one that is a preacher? A No sir.
Q Where does Joe Ross, the father of this Lewis, live? A On Snow Creek.

BY MR. HASTINGS:
Q When did he come there, Joe Ross? A I just told the gentleman '68.
Q You are certain of that? A I am certain of it.

STEPHEN LITTLE, being recalled, testified as follows:

BY MR. HASTINGS:
Q Did you know Joe Ross, did you know Lewis Ross? A Joe Ross's son, yes sir.
Q When did Joe Ross come back after the war? A I don't know.
Q How far did he settle from you? A About two miles.
Q Don't you know when he come back? A I don't know.
Q How many years after the war? A I don't know.
Q Ten years? A Not that long I don't think.
Q Five? A I told you I don't know.
Q Haven't you got any judgment at all? A For my life I couldn't tell you how long it was.
Q You don't know that? A It don't.
Q It was a number of years after the war?

Mr. Buell: I object.

A Quite awhile after.
Q As much as four or five years? A I don't know.
Q What is your best judgment about it? A I have none.
Q How far did they locate from you? A About two miles.
Q You don't have any idea when he come? A I don't know.
Q You have got no idea at all? A Yes I have some idea.

Mr. Buell: I object.

Q What is your best judgment? A About two or three years is when he come there I think.

BY THE COMMISSION:

Q This last Ross Joe didn't come to the Cherokee Nation so far as you know until about 1868 or 1869? A I don't know sir.

Q When with reference to 1866? A I said it would make it something like 1868 or '69.

Q Was it some two or three years after the war closed? A Yes sir I think it was.

Q That is the first time you saw the father of this girl was some two or three yeaes after the close of the war? A Yes sir, I expect it was about that time he was a boy then. Lewis was Joe Ross's oldest child.

Mr. Hastings: The representatives of the Cherokee Nation ask that the testimony of Aaron Whitmire and James M. Keys taken at Muskogee, Indian Territory, on December 23, 1904, in the matter of the application for the enrollment of Charlotte French as a Cherokee freedman, Cherokee Freedman D-1012, be made a part of the record in this case.

Mr. Buell: I object.

Commission: The request of the Attorneys for the Cherokee Nation will be granted and the testimony asked will be made a part of the record in this case.

C A S E C L O S E D.

----------oOo----------

George H. Leasley, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

George H. Leasley

Subscribed and sworn to before me this 3rd day of February, 1905.

W. S. Hutchins
Notary Public.

A. F. Mc.
D. C. L.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Powell, et al., as Cherokee Freedmen, consolidating the applications of:

Emma Powell, et al.,	Cherokee Freedmen D 475,
Sarah Robinson, et al.,	Cherokee Freedmen D 476,
Nettie Powell, et al.,	Cherokee Freedmen D 478,
William Love,	Cherokee Freedmen D 479,
Frank Love,	Cherokee Freedmen D 879,
Amanda Gaskins,	Cherokee Freedmen D 994,
Charlotte French	Cherokee Freedmen D 1012.

-: D E C I S I O N :-

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Emma Powell for herself and minor children, Hattie Bell Ross, Lula Ross, Gertie Ross, Lillie Gusta Ross, Mamie Powell, Jessie Powell, Eddie Powell and Ora Della Powell; subsequently, there was filed with this Commission, and made a part of the record in this case, an affidavit showing the birth, on September 4, 1901, of Willie Powell, child of the said Emma Powell and one Larkin Powell; by Sarah Robinson for herself and minor children, Fred Robinson, Lucy Robinson and Andy Robinson; subsequently there was filed with this Commission, and made a part of the record in this case, an affidavit showing the birth, on March 26, 1902, of Katie Robinson, child of the said Sarah Robinson and one Elijah Robinson; by Nettie Powell for herself and minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself; and by Washington French for his wife, Charlotte French. A copy of the testimony of Lewis Ross taken at Chelsea, Indian Territory, June 6, 1901, of its decision rendered by this Commission March 5, 1904, in the consolidated case of Beau Fox, et al., Cherokee Freedman D 508, et al., and of Departmental letter of August 31, 1904 (I. T. D. 6756-04), in the case

of Lewis Ross, Cherokee Freedman D 549, and of the testimony of Robert Adair taken at Chelsea, Indian Territory, May 31, 1901, in re application of Ida Adair for enrollment as a Cherokee Freedman by intermarriage, case No. R 99, and of Mariah French and others taken at Nowata, Indian Territory, July 2, 1901, in re application of the said Mariah French for enrollment as a Cherokee Freedman by intermarriage, case No. D 1010, is filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicant, Emma Powell, was born about the commencement of the rebellion, and was the daughter of Ben and Rhoda Alberty, both deceased, and both of whom were the slaves of a Cherokee citizen at the commencement of the rebellion; that the applicant, Charlotte French, was the daughter of the said Rhoda Alberty, and was the slave of a Cherokee citizen at the commencement of the rebellion; that the applicants, Emma Powell and Charlotte French, together with the said Ben and Rhoda Alberty, resided in the state of Kansas during said rebellion, and that neither the said Emma Powell or Charlotte French, nor the said Ben or Rhoda Alberty, returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

The evidence further shows that said applicant, Emma Powell, died on March 22, 1902, and an affidavit to that effect is filed herewith and made a part of the record in this case.

Section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

The evidence further shows that the applicants, Hattie Bell, Lula, Gertie, and Lillie Gusta Ross, Sarah Robinson and Nettie Powell, were born since 1866 and are children of the applicant, Emma Powell and one Lewis Ross, and that the application of the said Lewis Ross for enrollment as a Cherokee freedman was denied by the Commission on March 5, 1904, and its action approved by the Department on August 31, 1904. The applicants, William Love, Frank Love, Mamie, Jessie, Eddie, Ora Della and Willie Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell, are children of the applicants, Emma Powell, Sarah Robinson and Nettie Powell, were born since 1866, and possess no rights to enrollment other than as descendants of their said mothers. The applicant, Amanda Gaskins, is a daughter of the said Ben Alberty, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said father.

None of the applicants herein can be identified on the authenticated Cherokee tribal roll of 1880, nor the Cherokee census roll of 1896.

In re credibility of witnesses introduced by applicants in this case:

Charles Chambers, a stock witness for freedmen applicants, on behalf of the applicant, Emma Powell, (C. F. D. 475), testifies that he first saw her father, Ben Alberty, in the Indian

Territory in 1867, while on a trip from Tahlequah to Big Creek; on behalf of the applicant Amanda Gaskins, (C. F. D. 694), he testifies that this trip was made in the year 1870; on behalf of Charlotte French, (C. F. D. 1012), he again testifies that this trip was made in 1867. In the case of Queenie Smith, et al., (C. F. D. 779), this witness testifies that he moved from Tahlequah to the Big Creek country "somewhere in the '70's", and in the case of Willis Starr, et al., (C. F. D. 865), he testifies, "I come up on Big Creek in 1870", and upon cross-examination is very positive as to the date. Sidney West, in her own behalf, (C. F. D. 564), testifies that she was the wife of Charles Chambers during the rebellion, that they returned to the Cherokee Nation in the fall of 1865, and lived together about a year, near Fort Smith; that he then left her, and about a year later she found him at Fort Gibson, and that they then went to Park Hill, and lived together "there some year or two." She also testifies that she and Charles Chambers were living together at Park Hill "about four years after the war." In this she is corroborated by Charles Chambers, as, in the same case, he testifies that they began living together after they left the Cherokee Nation, during the war, and lived together "six or seven years", and in the case of Sabra McQueen, (C. F. D. 132), he testifies that he is her father, was living with her mother, Sidney West (C. F. D. 564), at the time she was born, and continued to live with her for a long time thereafter, in fact, until two children younger than Sabra were born to them. The above testimony establishes beyond a reasonable doubt that Charles Chambers, for several years after the close of the war, lived in the Cherokee Nation near Fort Smith and in and around Tahlequah (Park Hill is between Tahlequah and Fort Gibson), and that he did not move to the Big Creek country prior to the year 1870.

Witness Nelson Murrell has been denied enrollment as a Cherokee freedman by this Commission, and its action approved by the Department. In his case (C. F. D. 548), it was conclusively shown that he was living in Kansas as late as the year 1868. He testifies, however, that he reached the Cherokee Nation before Ben Alberty and his family did, and that he met them at Trotter's Ford, on the Neosho river, as he was returning to Kansas. This statement is probably correct, and in view of the fact that he came to the Cherokee Nation in the latter part of the year 1868, or early part of 1869, together with the testimony of Charles Chambers to the effect that when he saw Ben Alberty (which undoubtedly was not earlier than the year 1870), "he had made one crop and was then making another", and this, in connection with the testimony of numerous disinterested witnesses that there were no colored families living on Snow Creek prior to 1868, shows beyond a reasonable doubt that Ben Alberty and his family did not come to the Cherokee Nation prior to the year 1868, and it is more probable that they did not come before the spring of 1869.

Little weight can be given the testimony of Jim (Sheep) Alberty, as he has been repeatedly contradicted, and his general disreputableness as a witness in behalf of freedmen applicants is recognized in Departmental letter of August 17, 1904, (I. T. D. 4998-04).

The testimony of Daniel and Reuben Sanders does not show that the applicants or their ancestors returned to the Cherokee Nation within the time specified in the Whitmire decree.

If the moral depravity of a witness is to be considered in weighing their testimony, the testimony of Mary Joe should

receive no consideration whatever.

L. D. Daniels, another "stock witness" for Cherokee freedmen applicants, testifies on behalf of Charlotte French, but he knows nothing of importance to the applicant. G. W. Lane, also on behalf of the applicant, Charlotte French, testifies to the effect that he first saw her at Ben Alberty's, on Snow Creek, in 1867, but does not give the time of the year. He further testifies, in reply to the question "When did you first come in that neighborhood?" "I come to stay in '68; I was here in '66 and went back." Evidently he did not see Ben Alberty or his family, here in 1866. This witness was an applicant for enrollment as a Cherokee freedman by intermarriage, consequently his residence prior to his marriage in 1875 was of no concern and has never been investigated.

It is, therefore, ordered by this Commission that the application for the enrollment of Emma Powell as a Cherokee Freedman, be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716); and it is the opinion of this Commission that the applications for the enrollment of Hattie Bell Ross, Lula Ross, Gertie Ross, Lillie Gusta Ross, Mamie Powell, Jessie Powell, Eddie Powell, Ora Della Powell, Willie Powell, Sarah Robinson, Fred Robinson, Lucy Robinson, Andy Robinson, Katie Robinson, Nettie Powell, Harold Powell, William Love, Frank Love, Amanda Gaskins and Charlotte French, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory

this APR 18 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Sarah Robinson,
Coffeyville, Kansas.
Cherokee F-D-476
Register.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-476.

Muskogee, Indian Territory, September 10, 1903.

Sarah Robinson,

Coffeyville, Kansas.

Dear Madam:

In the matter of your application for the enrollment of yourself and children as Cherokee Freedmen, you are hereby advised that further testimony is required as to your residence in the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on Tuesday, September 22, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-476.

Muskogee, Indian Territory, September 10, 1903.

Edgar Smith,

Attorney for Sarah Robinson, et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Sarah Robinson, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required as to her residence in the Cherokee Nation.

You are further advised that the Commission will be at Vinita, Indian Territory, on September 22, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

(C O P Y)

DEPARTMENT OF THE INTERIOR, Y.P
EAF

ITD 6756-1904
L R.S.

WASHINGTON.

August 31, 1904.

The Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

March 5, 1904, you rendered your decision in the case involving the applications for enrollment as Cherokee freedmen, of Flora Murrell, Esau Fox, Nancy Fox , Ollie Gibson nee Fox, Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox, Mary Fox, Leever Gibson, Tobe Looney, Eliza Looney, Frank Looney, Joe Ross, Irving G. Looney, John Shadd, Phillis Alexander, Luther J. Alexander, Vessie Alexander, Ezra Alexander , Ermer Alexander, Nelson Murrell, Lewis Ross, Allen Looney, Alice Looney, Bert Looney, Jake Looney, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Vernie Ross, Nelson Ross, Alva Ross, John H. Ross, Steve Looney, Peggy Looney, Chaney Ross Emma Brown, Steve Willis, Maggie Willis and Lloyd Willis, holding that Flora Murrell should be enrolled, and that the other applicants should not be enrolled.

It was stated that the principala applicants claim for themselves as former slaves of Cherokee citizens, and for their children and grandchildren included in their respective applications as their descendants; that all of such applicants claiming by descent were born since the commencement of the rebellion, and it

is not shown tha t they have any rights as Cherokee freedmen other than as such descendants.

You found that the evidence shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney Peggy Looney and Chaney Ross weres slaves of Cherokee citizens at the commencement of the rebellion ; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion , and did not return thereto and did not take up their residence therein until after February 11, 1867.

Reporting in the matter August 23, 1904, the Commissioner of Indian Affairs states that the record shows by a "preponderance of credible testimony" that the principal applicants were taken out of the nation during the war, and returned and established homes in the Cherokee Nation prior to February 11, 1867; that all applicants of sufficient age are identified on the Wallace and Kern- Clifton rolls, and "in isolated cases are found upon the 1880 authenticated Cherokee roll, but it appears from the act of Congress approved June 28, 1898 (30 stats., 495), section 21, that this roll was not intended for freedmen, but they were specifically excluded from the same." He states that there is some testimony in the record in behalf of the Cherokee Nation, but that it appears to be that of "Stock witnesses" who have appeared in many of the Cherokee freedmen cases. He recommends that all of the applicants be enrolled.

The Commissioner is in error in stating that some of the applicants are on the 1880 roll. As stated in your decision, none of the applicants is identified on the 1880 authenticated Cherokee roll In regard to his statement concerning the 1880 roll, attention is called to departmental letter of May 11, 1900, in which you were advised that the roll of 1880 made by the Cherokee Nation, is to be accepted by you as conclusive of the rights of all persons claiming as Cherokee freedmen, whose names are found thereon and of their descendants/.

The Department finds nothing to warrant the conclusion that the witnesses for the nation are "stock witnesses."

It is true that, corroborating each other's statements to some extent, most of the principal applicants claim to have come to the Cherokee Nation in the fall of 1866, with Nelson Murrell, one of the applicants.. The nation produced a number of witnesses who testified that the two principal applicants, Esau Fox and Nelson Murrell, were residing with their families in southern Kansas, north of the Cherokee Nation, in 1866, 1867, 1868 and 1869, and, some of the witnesses stated, even at a later date; also witnesses to show that in 1868 no freedmen were residing in the Cherokee Nation where most of the principal applicants claim t to have been living from September, 1866.

The Department finds no reason to disturb your decision,

and it is hereby affirmed. You will, however, adjudicate the rights of Nelson Murrell to citizenship as an intermarried citizen.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

1 inclosure.

Cherokee

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
Judge

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 17, 1904

Sarah Robinson,

Chouteau, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of yourself and children as Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show your residence since birth.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, November 23, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully

Chairman

Register

COPY.

Cherokee Freedmen
D-476

Muskogee, Indian Territory, October 17, 1904.

Edgar Smith,
Attorney for Sarah Robinson, et al.
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Sarah Robinson and her minor children as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show the residence of said Sarah Robinson since birth.

The applicant has, therefore, this day been directed to appear before this Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, November 23, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

SIGNED. Tams Bixby.
Chairman

Register.

COPY.

Cherokee Freedmen
D-476.

Muskogee, Indian Territory, December 1, 1904.

Edgar Smith,

Attorney for Sarah Robinson et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Sarah Robinson et al., as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced to show whether or not Lewis Robinson, father of Sarah Robinson, complied with the ninth article of the Cherokee Treaty of 1866; also testimony showing said Sarah Robinson's residence since birth.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 22, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

COPY

Cherokee Freedmen
D-476.

Muskogee, Indian Territory, December 1, 1904.

Sarah Robinson,
Coweta, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor children as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced to show whether or not your father, Lewis Robinson, complied with the ninth article of the Cherokee Treaty of 1866; also testimony showing your residence since birth.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 22, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Register.

COPY.

Cherokee Freedmen

D-475, et al.

Muskogee, Indian Territory, January 11, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of an order dated December 28, 1904, and signed by Commissioner Bixby, making part of the record in Cherokee Freedmen cases a part of the record in other Cherokee Freedmen cases as follows:

A copy of the testimony taken at Chelsea, Indian Territory, on June 6, 1901, in the case of Lewis Ross, F. D-849; the Commission's decision dated March 5, 1904, in the consolidated case of Esau Fox, et al., F. D-508, et al., in which was included the said case of Lewis Ross; a copy of departmental letter of August 31, 1904, affirming said decision, to be made a part of the record in the cases of Emma Powell, et al., F. D-475; Sarah Robinson, et al., F. D-476, and Nettie Powell, et al., F. D-478.

A copy of the testimony of Robert Adair taken at Chelsea, Indian Territory, on May 31, 1901, in the case of his wife Ida Adair, F. D-99, to be filed with and made part of the

record in the cases of William Love, F. D-479, and Frank Love, F. D-879.

Respectfully,

(SIGNED). Tame Bixby.
Chairman.

Incl. S-12.

COPY

Cherokee Freedman
D-476.

Muskogee, Indian Territory, January 13, 1905.

Sarah Robinson,

Coweta, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman, you are advised that the same will be taken up for final hearing by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, January 30, 1905, at which time you will be permitted to appear and introduce such testimony as you may desire in support of your said application.

Respectfully,

SIGNED. Tams Bixby
Chairman.

Register.

COPY.

Cherokee Freedman
D-476.

Muskogee, Indian Territory, January 13, 1905.

F. L. Moulton,

Attorney for Sarah Robinson,

Muskogee, Indian Territory.

Dear Sir:

In accordance with the agreement entered into between you and the Attorneys for the Cherokee Nation at a former hearing of this cause, you are advised that the same will come up for hearing before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Monday, January 30, 1905, at which time the applicant will be permitted to appear and introduce such testimony as she may desire in support of her said application.

Respectfully,

Register.

(SIGNED) Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen

D-476.

Muskogee, Indian Territory, February 8, 1905.

J. Garfield Buell,

Attorney for Sarah Robinson, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of supplemental testimony taken at Muskogee, Indian Territory, on January 30, 1905, in the matter of the application for the enrollment of Sarah Robinson, et al., as Cherokee freedmen, together with a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

(SIGNED) Tams Bixby Chairman.

Incl. S-42.

COPY.

Cherokee Freedmen

D-476.

Muskogee, Indian Territory, April 18, 1905.

Sarah Robinson,

Coweta, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting, among others, the application for the enrollment of yourself and your minor children, Fred, Lucy, Andy and Katie Robinson, as Cherokee freedmen. There has heretofore been furnished your attorney, F. L. Moulton, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-66
Register

COPY.

Cherokee Freedmen

D-476.

Muskogee, Indian Territory, April 18, 1905.

F. L. Moulton,

Attorney for Sarah Robinson, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting, among others, the application for the enrollment of Sarah Robinson, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Incl. S-74
Register

COPY.

Cherokee Freedmen

D-475, et al.

Muskogee, Indian Territory, April 18, 1905.

Edgar Smith,

Attorney for Emma Powell, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell and rejecting, among others, the applications for the enrollment of Hattie B., Lula, Gertie and Lillie G. Ross, Mamie, Jessie, Eddie, Ora D., Willie, Hettie and Harold Powell, Sarah, Fred, Lucy, Andy and Katie Robinson, William and Frank Love and Amanda Gaskin, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-75
Register.

COPY.

Cherokee Freedmen

D-475, et al.

Muskogee, Indian Territory, April 18, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell and rejecting the applications for the enrollment of Hattie B., Lula, Certie and Lillie G. Ross, Mamie, Jessie, Eddie, Ora D., Willie, Hattie and Harold Powell, William and Frank Love, Sarah, Fred, Lucy, Andy and Katie Robinson, Amanda Gaskin and Charlotte French, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

SIGNED: Tams Bixby.

Chairman.

Incl. S-76

Cc/

Cherokee Freedmen
D-478, et al.

Muskogee, Indian Territory, April 14, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Emma Powell, et al., including the Commission's decision dated April 12, 1905, dismissing the application for the enrollment of Emma Powell and rejecting the applications for the enrollment of Mattie B., Lula, Gertie and Lillie C. Rose, Wamie, Jessie, Eddie, Ora D., Willie, Mattie and Harold Powell, William and Frank Love, Sarah, Fred, Lucy, Andy and Katie Robinson, Amanda Gaskin and Charlotte French, as Cherokee freedmen.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-77

Through the

Commissioner of Indian Affairs.

Land
30880-1905.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington.

May 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Emma Powell for herself and her minor children, Hattie Bill, Lula, Gertie and Lillie Gusta Ross and Mamie, Jessie, Eddie, Ora Della and William Powell; by Sarah Robinson for herself and her minor children, Fred, Lucy, Andy and Katie Robinson; by Mettie Powell for herself and her minor child, Harold Powell; by William Love for himself; by Frank Love for him self; by Amanda Gaskins for herself and by Washington French for his wife, Charlotte French.

On blank date the Commission decided adversely to all the applicants.

The record shows that Emma Powell was born about the commencement of the war of the rebellion, and was the daughter of Ben and Rhoda Alberty, both deceased, and both of whom were slaves of a Cherokee citizen at the beginning of the war of the Rebellion; that Charlotte French was the daughter of Rhoda Alberty and was the slave of a Cherokee citizen.at the

beginning of the war; that Emma Powell and Charlotte French, together with Ben and Rhoda Alberty resided in the State of Kansas during said war and that Emma Powell, Charlotte French, Ben Alberty or Rhoda Alberty did not return to the Cherokee Nation on or before February 11, 1867. The record further shows that Emma Powell died March 22, 1902.

The record further shows that Hattie Bell, Lula, Gertie and Lillie Gusta Ross, Sarah Robinson and Nettie Powell were born since 1866 and are children of Emma Powell and one Lewis Ross and that the rejection of the application of Lewis Ross was approved by the Department August 31, 1904. The applicants, William and Frank Love, Mamie, Jessie, Eddie, Ora Della , and Willie Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell are children of the applicants, Emma Powell, Sarah Robinson and Nettie Powell, were born since 1866 and possess no right to enrollment other than as descendants of their said mothers. The applicant, Amanda Gaskins is a daughter of Ben Alberty, was born since 1866 and possisses no rights to enrollment other than as a descendant of her father.

None of the applicants is identified on the 1880 authenticated Cherokee roll nor the Cherokee Census roll of 1896.

In View of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

M.M.M.
W.

Land
30880-1905

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington.

May 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1905, transmitting the report of the consolidated applications for enrollment as Cherokee Freedmen by Emma Powell for herself and her minor children, Hattie Bill, Lula, Gertie and Lillie Gusta Ross and Mamie, Jessie, Eddie, Ora Della and Willie Powell; by Sarah Robinson for herself and her minor children, Fred, Lucy, Andy and Katie Robinson; by Nettie Powell for herself and her minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself and by Washington French for his wife, Charlotte French.

On blank date the Commission decided adversely to all the applicants.

The record shows that Emma Powell was born about the Commencement of the war of the rebellion, and was the daughter of Ben and Rhoda Alberty, both deceased, and both of whom were slaves of a Cherokee citizen at the beginning of the war of the Rebellion; that Charlotte French was the daughter of Rhoda Alberty and was the slave of a Cherokee citizen at the

beginning of the war; that Emma Powell and Charlotte French, together with Ben and Rhoda Alberty resided in the State of Kansas during said war and that Emma Powell, Charlotte French, Ben Alberty or Rhoda Alberty did not return to the Cherokee Nation on or before February 11, 1867. The record further shows that Emma Powell died March 22, 1902.

The record further shows that Mattie Bell, Lula, Cortie and Lillie Vista Ross, Sarah Robinson and Nettie Powell were born since 1866 and are children of Emma Powell and one Lewis Ross and that the rejection of the application of Lewis Ross was approved by the Department August 31, 1904. The applicants, William and Frank Love, Mamie, Jessie, Eddie, Ora Della , and Willie Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell are children of the applicants, Emma Powell, Sarah Robinson and Nettie Powell, were born since 1866 and possess no right to enrollment other than as descendants of their said mothers. The applicant, Amanda Gaskins is a daughter of Ben Alberty, was born since 1866 and possisses no rights to enrollment other than as a descendant of her father.

None of the applicants is identified on the 1880 authenticated Cherokee roll nor the Cherokee Census roll of 1896.

In View of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

M.M.V.
W.

JFjr

D.C.1778-1907.
I.T.D.5424-1905
8551- "

LRS DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

January 5, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Terrytory,

Sir:

April 18, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated application for enrollment as Cherokee freedmen by Emma Powell for herself and her minor children, Hattie Bell, Lula, Gertie, and Lillie Gusta Ross, and Mamie, Jessie, Eddie, Ora Della, and Willie Powell, by Sarah Robinson for herself and her minor children, Fred, Lucy, Angy, and Katie Robinson; by Nettie Powell for herself and her minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself; and by Washington French for his wife, Charlotte French, including its decision, without date, adverse to all the applicants.

Reporting May 11, 1905 (Land 30880), theIndian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed a motion for review of the decision of the Commission.

The Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed motions for review of said decision.

The Cherokee Nation filed argument.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motions for review, have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

17 inclosures.

Cherokee F.
D-476

Muskogee, Indian Territory, January 17, 1907.

Sarah Robinson,

Coweta, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting, among others, the application for the enrollment of yourself and children as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, September 7, 1905, denied.

Respectfully,

Commissioner.

JMH

9 D. 976

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

.....

by delivering a true copy thereof on the

..... day of A. D. 190

Given under my hand this .....

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of , 190 .

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a true copy of the within notice to .....

on the day of A. D. 190

Subscribed and sworn to before me this .....

Notary Public.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 21 1901

ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of Sarah Robinson for enrollment as Cherokee citizens:

Case No. D 476

To Sarah Robinson or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22d 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

[illegible]

Attorneys for the Cherokee Nation.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Sarah Robinson et al for enrollment as Freedmen of the Cherokee Nation, one copy of the original testimony of June 1st, 1901.

Mellette & Lindsey

Attorney for Applicants.

Cherokee F. #D476.

Muskogee Indian Territory Sept 1904

RECEIVED of the Commission to the Five Civilized Tribes one copy of the testimony of Nelson Murrow Reed in Cherokee Freedmen D-476 Sarah Robinson et al

F L Moulton
Attorney for Applicant.

C.T.D-476.

The principal applicant, herein, Sarah Robinson, is the daughter of Lewis Ross, and further testimony required in C.T.D-475 will establish her status. This applicant, however, should be required to show whether or not her residence in the C.N. has been continuous since birth.

Consolidate with D-475, D-478, D-479, D-879, D-994, & D-1012.

Address Sarah Robinson, Coffeyville, Ks.

A.T.M.

C.T.D-475.

Further evidence required to show whether or not, Lewis Ross, father of four of the minor applicants herein, has complied with the treaty stipulations of 1866.

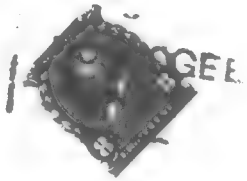
Consolidate with D-476, D-478-D-479-D-879, D-994 and D-1012.

~~The principal applicant herein is dead.~~

The principal applicant, Emma Powell, is dead. Address her husband, Martin Powell, Coffeyville, Ks.

A.T.M.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



RED.
MAR
18
1902
MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

RETURN TO WRITER

18

Mrs. Emma Powell,

Coffeyville, Kansas.

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Frank Robinson,

Coffeyville, Kansas.

Advising that further testimony is required as to residence in Cherokee Nation.

General Office. Cherokee Div.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

unknown
Return to writer
not claimed

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE

REGISTERED
MUSKOGEE, IND. TER.
1904

Department of the Interior.

Cher Fr R 906

Trans. from Cher Fr D 478

Cher Fr R 906

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 1st, 1901.

In the matter of the application of Nettie Powell for the enrollment of herself and one child as Cherokee Freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Nettie Powell
Q How old are you? A. 19.
Q Are you married? A. Yes sir.
Q What is your husbands name? A. Will Powell.
Q Do you apply for enrollment as a Cherokee Freedman? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. One child.
Q What is the name of the child? A. Harold.
Q How old? A. 6 months.
Q What is your post office address? A. Coffeyville.
Q In what district do you live? A. Cooweescoowee
Q What is your mothers name? A. Emma Powell.
Q Is she living? A. Yes sir.
Q Is your husband a citizen? A. No sir.
Q Is your husband any kin to you? A. No sir none at all by blood.
Q Where were you born? A. Cooweescoo wee district, Cherokee Nation.
Q Have you lived there all your life? A. Yes sir.

Kern Clifton roll examined and applicant identified as follows:
Page 167 No. 4116, Anetta Alberty, Cooweescoowee district.

Wallace roll examined, applicant found as follows:
Page 137, No. 2874, Nettie Ross, Cooweescoowee district.

Q What was your fathers name? A. Lewis Ross.

By Com'r Needles,-

Nettie Powell applies for herself and one child, Harold; she avers that she is 19 years of age and married to one Will Powell a non citizen; she avers that she is the child of Emma Powell who was formerly married to one Lewis Ross, whom she avers is her father; she is identified on the Kern Clifton roll and the Wallace roll, and makes satisfactory proof as to residence. Reference is made to the testimony taken in the case of her mother Emma Powell who has been this day enrolled on Cherokee Freedman Doubtful card # 475, and the said testimony will be made a part of the record in this application and a copy thereof will be filed herewith. For the reason that the applicant nor her mother are found on the roll of 1880 and for the reason that the Cherokee Nation protest the enrollment of the applicant and her child, the said Nettie Powell and Harold Powell will be listed for enrollment as Cherokee Freedmen on a doubtful card, and it will be necessary for her to file satisfactory proof of the birth of the child Harold it not being on any roll, having been born before they were compiled. The applicant herein, will be notified by mail of the final decission of the Commission in regard to her case.

= = = = = = = = = = =

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 7th of June, 1901 at Chelsea, I.T.

Commissioner.

FILED

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901

Post Office Vallieyville, I.T.

District Cov.

1. Name ..... Age .....

Citizenship .....

Owner's name .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

2. Name of wife Nettie Powell Age 17

Citizenship .....

Owner's name .....

Year R.C. Page 167 No. 11116 District Cov. D

Parents:

Father Lewis Ross Citizenship Cherokee

Mother Emma Powell Citizenship "

Names of Children:

3. Mamie Powell Year ..... Page ..... No. ..... Dist. ..... 6 mo

4. Year ..... Page ..... No. ..... Dist. .....

5. Year ..... Page ..... No. ..... Dist. .....

6. Year ..... Page ..... No. ..... Dist. .....

7. Year ..... Page ..... No. ..... Dist. .....

8. Year ..... Page ..... No. ..... Dist. .....

9. Year ..... Page ..... No. ..... Dist. .....

10. Year ..... Page ..... No. ..... Dist. .....

11. Year ..... Page ..... No. ..... Dist. .....

12. Year ..... Page ..... No. ..... Dist. .....

Application made by No 1 Stenographer Thos. von Wenz

No 1 On R. C. roll as Arella Allen

No 1 On Wallace roll Page 137 No 2874, Nettie Ross. Cov Dist

Non Birth certificate required

Referenced by Mellette & Smith, Vinita, I.T.

R. Rec. No 10478.

C

COPY.

CHEROKEE FREEDMEN D 478

25

IN RE

Application for Enrollment of

INFANT CHILD

Harold Powell

as a citizen of

CHEROKEE Nation.

Approved, Jun 1 1901

T. B. Needles

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

F I L E D
JUN 1 1901
Tams Bixby
Acting Chairman

COPY.

BIRTH AFFIDAVIT. 20

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the CHEROKEE Nation,

of Harold Powell (Here insert name of child), born on the 22 day of November, 1900

Name of Father: Will Powell, a citizen of the U.S. Nation.

Name of Mother: Nettie Powell, a citizen of the Cherokee Nation.

Post-office, Coffeyville, Kans.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, INDIAN TERRITORY, District.

I, Nettie Powell, on oath state that I am 19 years of age and a citizen, by Adoption, of the Cherokee Nation; that I am the lawful wife of Will Powell, who is a citizen, by , of the U.S. Nation, that a male (male or female) child was born to me on the 22 day of November 1900; that said child has been named Harold Powell, and is now living.

WITNESSES TO MARK (Must be Two Witnesses): I. P. Bledsoe, John Buffington

Nettie her X mark Powell

Subscribed and sworn to before me this 1 *day of* June *190*1

Louis T. Brown (SEAL) NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, Northern District.

I, Emma Powell, a midwife, on oath state that I attended on Mrs. Nettie Powell, wife of Will Powell, on the 22 day of November, 1900; that there was born to her on said date a male (male or female) child; that said child is now living and is said to have been named Harold Powell.

WITNESSES TO MARK: (Must be Two Witnesses) I. P. Bledsoe, John Buffington

Emma her X mark Powell

Subscribed and sworn to before me this 1 *day of* June *190*1

Louis T. Brown (SEAL) NOTARY PUBLIC.

LIBRARY
COMMISSION
SE

To be filed with the case of Nella C. R. B. #

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June, 1st 1901.

In the matter of the application of Emma Powell for the enrollment of herself and eight children as Cherokee freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mellott & Smith, for applicant.
Mr. L. B. Bell, Cherokee representative.

Q What is your name? A. Emma Powell.
Q Is that your name now? A. Yes sir, my married name.
Q How old are you? A. I guess about 40, 30 or 40.
Q What is your postoffice? A. Coffeyville.
Q What district do you live in? A. Cooweescoowee
Q You apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. I have got 12 children, three of them is married.
Q Are you married yourself? A. Yes sir.
Q Has your husband been enrolled? A. No sir, he is a state man.
Q What is your husband's name? A. Larkin Powell.
Q Now give me the names of your children, commencing with the oldest one at home under 21? A Hattie Bell.
Q Hattie Bell what? A They are on the roll Alberty, that 's my father's name; they are Ross.
Q Were you ever married to Ross? A Yes sir.
Q How old is Hattie Ross? A She is 17 years old, as near as I can guess.
A Now the next one? A. Lula Powell.
Q How old is Lula? A. She is 14. I dont know their ages exactly, I am guessing at it.
Q Well go on now? A Gertie, 13.
Q Next one? A Lillie Curtz.
Q Is she a girl? A Yes sir.
Q How old is she? A. About 10 or 12 years old.
Q Next one? A. Mamie.
Q How old is Mamie? A. She is about 9 years old.
Q Next one? A. Jessie, she is about 6. Eddie Powell, five years old, - going on five.
Q Next one? A. Ora Lolla, 2 years old.
Q Are they all Powell except the oldest one, Hattie? A Yes sir, they are about four Powells I give you there.
Q You gave me seven Powells, you say Hattie Bell is named Ross? A Yes sir.
Q Well, all the balance of them are named Powell? A No sir, only four Powells, or three.
Q What's Gertie's name? A She is a Ross.
Q What's Lula's name? A She is Ross, but it is on the roll Alberty.
Q What's Lillie's name? A. She is a Ross.
Q What's Mamie? A She is a Powell.
Q And Jessie is a Powell? A Yes sir.
Q And Eddie? A. Yes sir.
Q And Ora? A Yes sir.
Q Four Ross children? A. Yes sir.
Q You have got eight children here, and how many married? A. Four married.
Q What was your first husband's name? A. Lewis Ross.
Q Was he a citizen? A. Yes sir.
Q Is he living? A. Yes sir.

BEST AVAILABLE COPY

Q Are you separated? A. Yes sir.

(Examined by Atterney Smith)

Q Were born a slave? A I dont remember.
Q About how old are you? A. I dont know, I guess I ought to be 30 or 40.
Q How old is your oldest child? A He is about 23, or 4, or about 25 I think,- he is 24; my oldest child, I dont know his age exactly.
Q What is his name? A. Frank.
Q Who was his father? A. Ross.
Q He is Frank Ross? A. Yes sir.
Q What is the next child's name? A. Will Ross.
Q What is your next child's name? A. Sarah.
Q Is she married? A. Yes sir.
Q What is her name now? A. Sarah Eliza Robinson.
Q What is your next one's name? A. Annette Powell now, she is married
Q What is the next one named, does that bring you down to Hattie, two boys and two girls are married? A That's all the married ones I have got.
Q That's all down to Hattie then? A. Yes sir.
Q How old is Hattie? A She is I think about 17 years old I guess.
Q Who was your mother? A They tell me, I don't remember, my mother, her name was Rhoda, I dont remember.
Q Rhoda who? A I don't know that.
Q Do you know who your father was? A. Yes sir.
Q Who? A Ben Alberty.
Q Where do you live? A Cooweescoowee.
Q What is your post office? A Coffeyville.
Q How far do you live from Coffeyville, about? A. It is about 10 or 12 miles.
Q In the Cherokee Nation? A. Yes sir.
Q How long have you lived there in that place where you live now?
A About five or six Nikes years.
Q Where did you live before that? A. I lived closer to the river and I moved from the Verdigris river out on Cedar, where I live now.
Q When did your husband Ross, die? A. He aint dead.
Q Are you divorced from him? A No sir.
Q Where were these children, whose names you have given, born? All here in the Cherokee Territory.
Q What is your earliest recollection as to where you were living as far back as you can remember? A On Snow Creek.
Q In theCherokee Nation? A. Yes sir.
Q Are you on the Kern Clifton roll? A Yes sir.
(By Commissioner Needles)
Q Are you on the 1880 roll? A I don't know as I am, my father may be, I dont know, I may be.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant, and her father, and names not found.
Kern Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 187 #4113 Emma Powell, Cooweescoowee district.
page 187 #4117 Hattie Bell, Cooweescoowee District
page 187 #4119 Lula Powell, Cooweescoowee District.
page 187 #4123 Gertie Ross, Cooweescoowee district.
page 187 #4120 Sister Ross, Cooweescoowee district.
page 187 #4121 Mamie Powell, Cooweescoowee district.
page 187 #4122 Jess Powell, Cooweescoowee district.
Kern Clifton roll of citizens of the Cherokee Nation examined for Eddie and name not found.

Q You didn't draw for Eddie? A. No sir.

Wallace roll of citizens of the Cherokee Nation examined for applicant and found on page 137 #2870 Emma Ross, Coow. district.

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Q Was Lewis Ross the father of Lula? A No sir.
Q Who? A Powell, no Ross. Lewis Ross he is the father of this Lula.
(Examined by Cherokee representative, L.B.Bell)
Q Where was you born? A I don't remember where I was born.
Q How old are you? A. I don't know my age, at all. That's the reason I got this mistake now.
Q Where do you first recollect being? A On Snow Creek.
Q Who was your father? A Ben Alberty.
Q Who was your mother? A They called her Rhoda, I don't remember her; she died when I was quite young.
Q You don't know whether she was a Freedman? A No sir, I don't.
Q You know who Ben Alberty belonged to? A He said he belonged to old John Alberty.
Q You never heard anything, as to where you were born, and brought up until you recollect here at Snow creek? A No sir.
Q You live on Snow creek now? A. No, I live on Cedar now.
Q How far is that from Snow Creek? A About five miles.
Q You have lived there all the time? A Yes sir except when I lived at Bartlesville awhile.
Q You never lived in Kansas? A. No sir.
(Examined by Attorney Smith)
Q Have these children whose names you have given been living with you all the time? A All these single ones.
Q Where are the ones that are married living now? A. Right close to me
Q In the Nation? A. Yes sir.
Q Did they live with you up until they were married? A Yes sir.
Q These single ones they are living with you still? A Yes sir, the single ones.
(Examined by Cherokee representative, L. B. Bell)
Q They are all alive? A. Yes sir, when I left home they were.
This case is here dismissed to await the arrival of a witness in behalf of the applicant, who has been sent for.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

(signed) M. D. Green.

Subscribed and sworn to before me this June 6th,1901.

(Signed) T. B. Needles,

Commissioner.

CONTINUATION of the application of Emma Powell ,taken by Stenographer M. D. Green, June 1st, 1901.

CHARLES CHAMBERS, called and sworn as a witness for the applicant. (Mr. Mr. Smith)
Q What is your name? A. Charles Chambers.
Q Where do you live? A. Hudson, I. T.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q How old are you? A. About 70.
Q Do you know Emma Powell? A Yes sir.
Q Was she a slave? A. No sir.
Q Did you know her mother? A. I saw her mother.
Q Where did you see her? A. I saw her when she used to live with John Alberty.
Q Did she belong to John Alberty? A. Yes sir.
Q How big was Emma when the war broke out? A. Must have been a mighty little thing, I don't remember seeing her then; when I came back here in '67 she was a small girl.

Q Well you dont know then if she was born before or after the war?
A She must have been born during the war.
Q You dont know about it though? A No sir.
Q When did you first see Emma Powell in the Cherokee Nation after the war? A Right after the war. In 1867 when I came from Tahlequah.
Q Who was she with? A. Her father? A.
Q What was his name? A. Ben Alberty.
Q Who did Ben belong to? A. John Alberty.
Q What was this girl's mother's name? A I done forgot it.
Q Who did she belong to? A. I don't know if she belonged to John Alberty or not, she was there though.
Q When did you come backfrom Tahlequah the trip you made and saw Em Powell? A I started in '67 from Tahlequah.
Q Where were you going? A Just coming up on the creek to the old place hunting my old friends Joe and Jack Ross.
Q Where was Emma in '66? A I dont know for certain, on Snow creek I guess.
Q Do you know where she was in '66? A I dont know where she was I saw her father on Snow creek and I guess she was with him.
Q When did you come to the Alberty's there that time you say you saw the father? A In '67.
Q Was it in the fall of '67? A No in the summer.
Q You dont know how long they had been there do you? A. No sir her father had made a crop there and had another one started so he must have been there a while.
Q Had you seen her father any where else before that? A. No sir only on Snow Creek since the war, that was the first time since the war in the Cherokee Nation.
Q You say he had made one crop and had in another? A. Yes sir.
(By Bell)
Q Where is Snow creek? A Near the Virdigris river
Q Which side? A. The east side.
Q How far is it from the Big Creek Whitmire settlement ? A About 15 miles.
Q Dod you settle on Snow creek? A Yes sir settled there first.
Q When did you settle there? A. I dont know just when it was.
Q What year was it in? A. In '68
Q After Ben Alberty was there? A. He was there in '67, that is when I seed him there, and I went back to Tahlequah and then came back there again and settled.
Q Did you go out of the Nation during the war? A. Went to the Choctaw Nation.
Q Did you come back? A. Yes sir.
Q When? A. In '65.
Q The same year the war ended? A. It wasn't good peace yet when I come.
Q Are you certain that you saw this woman in '67? A Yes sir I seed her fater there in '67 and then I come back she was right there with her father Ben Alberty.
Q With her father? A. Yes sir.
Q Did they have any other children? A. Yes sir.

NELSON MURRELL called and sworn as a witness for the applicant-
(By Mr. Smith)
Q What is your name? A. Nelson Murrell.
Q Where do you live? A. In Cooweescoowee district.
Q How old are you? A. 77.
Q How long have you lived in the Cherokee Nation? A. I have lived here all my life, in here and the old country.
Q What do you call the old country? A. Tennessee and Georgia where the Indians were.
Q Do you know this applicant, Emma Powell?A Yes sir.

Q Did you know her mother? A Yes sir.
Q What was her name? A. Rhoda Alberty.
Q To whom did she belong before the war? A. John Alberty, known as Lng John.
Q Was he a Cherokee citizen? A. Yes sir.
Q Where did he live? A. Pryor creek.
Q Do you know if they were taken out of the Cherokee Nation during the war? A. Yes sir.
Q When did you first see this applicant Emma Powell in the Cherokee Nation after the war? A. First time I saw her I saw her on Snow creek in '66.
Q What time in '66? A Spring of '66.
(By Bell)
Q Where were you living then? A. On Snow Creek, in Cooweescoowee
Q What time did you come back after the war? A. In '66.
Q What time of the year? A. Spring of '66.
Q How early in the spring? A. Early in the spring.
Q Who came with you? A. Jow Ross.
Q You didn't come with Ben Alberty then? A. No sir he didn't come with me.
Q How far did you live from Ben Alberty on Snow creek? A About a miles and a half.
Q Did you make a crop there in '66? A Yes sir.
Q What was it? A Beans and corn.
Q Did you find a place already cleared out? A. I found an old Osage patch that had been cleared.
Q How much of a patch? A About 4 acres.
Q Did Ben Alberty have in a crop? A He has a small patch too.
Q How much? A. 2 or 3 acres.
Q Just what particular place is that on Snow creek that you and Ben had farms? A I had mine on the east side a mile from the mouth of Snow Creek and Ben's was a mile and a half on Snow creek north of the main Military road.
Q Did you or Ben live on the road? A. Ben lived on the road.
Q Now tell me what does Snow creek empty into? A. Virgigris river.
Q How far is that from Coffeyville? A 8 miles about.
Q You found an Osage patch? A. Yes sir.
Q And Ben found one too? A. Yes sir.
Q You was on the east side of Snow creek a mile from the mouth of it? A. Yes sir but not right on the creek.
Q How far from the creek ? A 3/4 of a mile.
Q How far from the river? A. About half a mile from the river.
Q Was Ben right on the creek? A Yes sir right on the creek, his house was 50 yards from the creek.
Q Right where the road crosses it? A. Yes sir.
(By the Commissioner.)
Q Are these children all living now and with you? A. Yes sir
Q Are you living with your husband now? A. Yes sir.
Q You dont apply for him though? A. Yes sir.

By Com'r Needles-

Emma Powell applies for herself and her children, to-wit: Hattie Ross, Lula Ross, Gertie Ross, Lillie G. Ross, Mamie Powell, Jessie Powell, Eddie Powell, Ora D. Powell. She avers that she is married now to Larkin Powell a non citizen; she avers that she was previously married to Lewis Ross, by whom she had four children, her four oldest children, and that the remaining children are by her husband Powell; she avers that she was a slave of one John Alberty who was a Cherokee citizen; she is identified on the Kern Clifton roll as Emma Powell, and on the Wallace roll as Emma Ross, the name of her first husband. The names of all her children except the youngest are identifed on the Kern Clifton roll, her second child being

identified as Hattie Bell, her proper name being Hattie Ross; she makes no satisfactory proof as to her youngest child and it will be necessary for her to file with this Commission satisfactory certificate of its birth. She make satisfactory proof as to her residence, and she will be listed for enrollment as a Cherokee Freedman with her children as enumerated herein, on a doubtful card because of the fact thatshe is not identified on the authenticated roll of 1880 and because her enrollment is contested by the Cherokee Nation. She will be notified by mail of the final decision of the Commission in regard to her application.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise

Subscribed and sworn to before me this the 7th of June, 1901 at Chelsea, I. T.

(Signed) T. B. Needles,

Commissioner.

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I, Chas. von Weise, upon my oath state that the foregoing is a true copy of the original.

Chas von Weise

Subscribed and sworn to before me this 30th of August, 1901.

Commissioner.

File with C. F. D- 478, Nettie Powell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 6th, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedmen; said Murrell being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Smith & Mellette, for Applicants;
Mr. W.W.Hastings, Cherokee Representative.

Q What is your name? A Nelson Murrell.
Q How old are you? A 77.
Q What is your post-office address? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself? A Myself and wife.
Q What is the name of your wife? A Flora.
Q How old is Flora? A About 67.
Q Is your name on the roll of 1880, Mr. Murrell? A No, sir.
Q Is your wife's name not on the roll of 1880? A No, sir.
BY MR. SMITH:
Q What is your post-office, Mr. Murrell? A Coffeyville, Kansas.
Q How far do you live from Coffeyville? A About eight miles south.
Q In the Indian Territory? A Indian Territory.
Q What Nation? A Cherokee.
Q Were you yourself born a slave? A Yes, sir.
Q Who was your Master? A Well I was born a slave of one Nave.
Q Do you know what Nave it was? A Henry Nave.
Q Was he a Cherokee Indian? A His wife was.
Q What was her name? A Susie Nave.
Q Do you know what her name was before she married Henry Nave?
A Susan Ross.
Q Was she a Cherokee Indian? A Yes, sir.
Q Were Henry Nave and his wife citizens of the Cherokee Nation?
A Well, his wife was a Cherokee and he was adopted citizen by marriage.
Q Where did they live before the war? A Well, before the war the first I knew of them they lived in Georgia.
Q Did they ever live here in the Indian Territory? A Yes, sir.
Q In what part of the Nation? A Tahlequah District.
Q Where were you when the war commenced? A I was right near Tahlequah.
Q With what family of people? A With the Murrells, George Murrell
Q Did you go out of the Cherokee Nation before the war?
A Yes, sir.
Q Where did you go to? A Up in Kansas.
Q When did you return the first time to the Cherokee Nation after the war? A I returned the first time in '65, February, '65
Q Where did you come to? A I came to the Cherokee Nation.
Q What point? A Up in Cooweescoowee.
Q Well near what place? A Snow Creek vicinity.
Q How far from what is now the town of Chelsea? A I don't know exactly how far from Chelsea town, about 35 or 40 miles; this is the first time I ever was at Chelsea.
Q Did you make more than one trip to the Cherokee Nation?
A Yes, sir.
Q Well after you came in 1865 when did you come out again after you went out? A Went back again about a month after I came in '65.

Q Did you return to the Cherokee Nation at any time after that?
A Yes, sir.
Q About when? A Came back in July.
Q Of what year? A Same year.
Q Did you remain here at that time? A No, sir.
Q What did you do then? A Went back.
Q When did you return then to the Cherokee Nation? A In '65, in the fall, in '66 and '65 I mean in the fall.
Q Well where did you locate? A I located on the Verdigris on the east side of the Verdigris, west side of Snow Creek.
Q When? A I located on the east side of the Verdigris, west side of Snow Creek.
Q When was it you made that location? A I made that location in '75 where I live.
Q Where had you been up to 1875? A I had been back to Kansas.
Q When wasit now you said you first came down here? A I come down in February, '75.
Q You don't mean '75? A No, sir, '65.
Q Now when did you first make that first location? A I made it the same time.
Q You said Mr. Murrell, '75, a while ago? A I took that back, I made a mistake.
Q Well when was it? A I come in '65.
Q That is what you said when I asked you when you made your first locatin? A My first location I made it in February, '65.
Q Where have you lived since that time? A I stopped in Kansas a little while, I never did live in Kansas.
Q Who is your wife now? A Flora Murrell.
Q How long have you known her? A I have known her 40 odd years.
Q When did you first get acquainted with her? A I got acquainted with her 40 years ago perhaps, maybe more I wont be positive.
Q Where? A Close to Tahlequah, Park Hill.
Q Before the war? A Yes, sir.
Q Where did you next see her after the war? A Next seen her after the war, I saw her up on the Verdigris where I live now, that was after the war.
Q Well, when did you see her next? A I saw her along about '73, there where I lived.
Q Well, where were you living? A I was living out there near Snow Creek.
Q Was she ever married before she married you? A Well, sir, she come there a married woman.
Q What was her husband's name? A Robert Vann, Louin Vann in Cherokee.
Q When did you marry? A I married about 26 years ago.
Q Have you and she been living together ever since? A Yes sir.
Q Where? A Up where I live now, Snow Creek.
Q How long had you been back here after you made your location here in 1865 before you first saw her? A It was about two years.
Q You don't know where she was in 1866? A No, sir.

BY MR. HASTINGS:

Q You come down in 1865? A Yes, sir.
Q Who come with you at that time? A Joseph Ross and Frank Nave.
Q Anybody else? A That is all.
Q Where did you come to? A Come on Verdigris.
Q Near Snow Creek? A Yes, sir.
Q How long did you remain up there? A About one month, somewheres along about that.
Q Where ddyou go from there? A I went back to Kansas.
Q How long did you stay in Kansas? A I come back the next time in June.
Q The following June? A Yes, sir.
Q What did you do then in June? A Cut hay
Q You put up hay then did you ? A Yes, sir.
Q Then you went back did you? A Yes, sir.

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Q Well when did you come back then? A I come back in the fall.
Q Some fall was it? A Fall of '65.
Q Was it the same fall you put up the hay in June? A Fall of '66.
Q Answer my question did you come back the same fall that you put up the hay? A Yes, sir.
Q You put up hay after you were here in June? A Yes, sir, I come back in the fall of '66, I know that.
Q The first time you ever come here that was in February? A Yes, sir.
Q According to your testimony you stayed here about a month? A About a month.
Q You and Joe Ross and Frank Nave? A Yes, sir.
Q Frank Nave is dead isn't he? A Yes sir.
Q Now, you stated you stayed here about a month at that time? A Yes, sir.
Q Then you went back to Kansas? A Yes, sir.
Q Now, you stated that you came back here the following June and put up hay, is that true? A That is true.
Q Now, then you went back to Kansas again? A Yes, sir.
Q Now, the next time you moved is that correct? A Yes, sir.
Q And that was the following fall? A Yes, sir.
Q Now, the first tije you come here was in February, '65? A Yes, sir.
Q Now, who come with you when you come in June? A Joseph Ross, Posy Gibson, Ben Pee and Caesar Hog.
Q That was all was it? A Yes, sir.
Q Did you see any colored people, anybody when you first came? A Yes, sir.
Q Who? A Amos Adair.
Q You testified in Amos Adair's case the other day didn't you? A I did.
Q Did you see any colored people here the following June when you come? A Mr. Adair.
Q He was here in June was he? A I think he was, if I mistake not.
Q That was the June after you were here in February? A Yes, sir.
Q Now, what other colored people did you see down here, in June, any besides Amos Adair? A Only Amos Adair.
Q You never saw any colored people while you were on that trip? A No, sir, not on that trip.
Q Now about what time did you return to locate? A I returned to locate the third time in the same following fall.
Q In the same following fall? A Yes, sir.
Q About when? A Along about the first of the fall, I don't know exactly.
Q You don't remember the month? A No, I don't remember the month.
Q Do you think it was as early as September? A It hadn't got cold yet.
Q The leaves were on the trees? A Yes, the leaves were on the trees.
Q You never lived about Fort Scott Kansas did you? A No, sir, I never did live there.
Q You didn't make a crop on the Stuart farm did you? A No, sir. I don't know nothing about Stuart.
Q Did you make a crop up there? A Yes, sir.
Q On whose place? A I made a little crop on John McFirton's place one year.
Q What did you raise? A I raised a little corn.
Q What year was that? A That was while the war was going on, I think it was in '63.
Q Wasn't you in the army? A No, sir, wasn't in no army.
Q You never made a crop in 1865? A No, sir.
Q Did you make on in 1866? A No, sir.
Q Did you make a crop up there in '67? A No, sir, I wasn't up there

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Q Did you know a man by the name of Foster? A Yes, sir.
Q What county was he in? A Bourbon County, (Kansas.)
Q Did you know Mrs. Brumby? A I got acquainted with her down here
Q You never knew her up there? A No, sir.
Q You never saw her before? A Never saw her before I saw her here.
Q Where did you get acquainted with her here? A She was at my house.
Q On Snow Creek? A Yes, sir.
Q You came, then, and located on Snow Creek, did you? A Yes, sir, on Snow Creek.
Q You had built that house in there in February before? A ~~xxxx~~ A February before.
Q Where did you spend the winter before that? A The winter before that.
Q The winter before you come down here? A Near Mound City.
Q Murrell, do you belong to the Freedmen Protective Association? A Yes, sir.

Objection to by Attorney for Applicant because it is incompetent, irrelevent and immaterial.

Objection overruled by the Commission.

Q Who are your witnesses? A Joseph Ross.
Q Does he belong to that Association? A I don't know whether he does or not.
Q Don't you know the members of it? A Yes, he belongs to it.
Q Who is any other witness? A Steven Looney.
Q Does Steven Looney belong to it? A I don't know whether.
Q Does he belong to it? A I don't know; he lives in another neighborhood.
Q About how far from you? A About three miles.
Q You don't have different ~~xxxxx~~ Associations every three miles'
A Might have different places where we meet.
Q About how many belong to your association? A I don't know.
Q Well, about how many? A Maybe 20 or 30.
Q Are your meetings held in secret? A No, sir.
Q What is the object of it? A To protect one another and keeping out all people that don't belong to the Cherokee Nation.
Q Have you ever given any information to keep out any from the Cherokee Nation? A No, sir.
Q You have testified for several? A Yes, sir.
Q You were at Fort Gibson? A Yes, sir.
Q You went down there as a member of the Committee? A I went down there with a man.
Q You are down here as a member of the Committee? A Yes, sir.
Q What other witnesses have you got? A Sam Webber.
Q Does he belong to your association too? A I don't know nothing about Sam Webber.
Q Don't you know the members of your Association? A I know the members where I live; Sam Webber lives At Nowata.
Q Well now, does this Joe Ross belong to it? A Yes, sir.

BY MR. SMITH:

Q What did you say that the purpose of that association was.
A The purpose of that Association is Cherokee Freedmen Protective Association, Cherokee Freedman.
Q What is the purpose of it? A It is to protect one another in helping one another through this Court I suppose to be Cherokee Freedmen; on the outside no one belong to it but Cherokee Freedman, or there has no right to be there; that is the order.
BY W.W.HASTINGS: It is a secret order is it? A No, sir; no man comes in there belonging to the United States ~~xx~~ he has no right in that order.

BY MR. SMITH:

Q Mr. Murrell, do you know how many of those Associations there are? A No, sir; I don't know exactly there may be three or four, four or five, as far as I know.
Q You were asked if you had testified for a good many of the appli-

cants? A Yes, sir, I wasked asked that.
Q You stated that you had I believe? A I had for a good many.
Q Have you testified for any applicant except those that you know to have been here in 1866? A No, sir, I haven't; I deny the charge
Q You have been in attendance consistently upon this Commission since it has been meeting at Chelsea? A No, sir.
Q Have you heard any Cherokee Indian Testify in favor of those applicants? A All come back in '70, I haven't heard nary one.
Q How many people on the part of the Cherokee Nation have you observed on this front row right here (indicating.(? A Oh I have observed several.
Q Do you know what they are doing? A I see some slipping in little slipshere to Mr. Hastings and others say they preparing ~~xxxxxxxxxxxxxx~~ them around there and slipping them here.
Q Do you know in what capacity they are retained here? A No, sir, I can't tell.

BY MR. HASTINGS:

Q Mr. Smith has been the attorney of a good many hasn't he? A You know how many he is for.
Q He has the calling hasn't he? A Yes, sir.
Q He has not called any Cherokee citizens has he? A No, sir.
Q Mr. Murrell, there is about two thousand recognized Freedmen on the roll of 1880? A I don't know anything about how many.
Q The Cherokee Nation made that roll? A Till you got there with them I don't know.
Q The Cherokee Nation made that roll? A Yes, sir, I suppose so.
Q And they recognized in 1880 about two thousand old slaves? A Yes, sir.

BY MR. SMITH:

Q Do you know of any old slaves they didn't recognize in 1880? A Yes, sir, I do.
Q Were you here when that census was taken? A Yes, sir.
Q Do you know how that census was taken? A Yes, sir.
Q How? A They went to work and taken that census and went through the country, and I was living at that time up near Coffeyville, where old Parker was at that time;- these census takers would come up there and sometimes they would get drunk and overlay their time and then they would go to the nearest house and ask who lives over there and they would tell them.

BY MR. HASTINGS: You don't know that? A Yes, sir; I know it, I know it to be a fact.

Q The National Council revised and authenticated this roll of 1880 didn't they? A I don't know; they done so many things, I don't know what they done.

BY COM'R MEEDLES:

Q Did these census takers come to your house and enroll you in 1880? A No, sir, not at that time.

STEVE LOONEY, called as a witness and being duly sworn by Commissioner T. B. Needles, testified as follows:

EXAMINATION BY MR. SMITH:

Q What is your name? A Steve Looney.
Q Where do you live, Mr. Looney? A I live up on the Verdigris.
Q How long have you lived there? A I have been living there ever since the fall of '66.
Q Have you got any brothers and sisters? A I have a sister I have no brothers.
Q What is your sister's name? A Frances.
Q Frances what? A Frances Patterson, if she goes by her husband's name, and have ~~owe~~ named Mandy.
Q Do you know Nelson Murrell? A Yes, sir.
Q How long have you known Nelson? A I have been knowing him pretty near all my life, ever since I was a little boy.
Q How old do you say you are? A About 58.
Q Where did you know Nelson first? A Knowed him at Park Hill.

Q Where was Park Hill? A Down in the Cherokee ~~Nation~~ there.
Q Near what town now? A Tahlequah.
Q Do you know who he belonged to? A He belonged to George Murrell; that is his Massy's name; he belonged to his Mistress, Mandy Murrell, she is a Cherokee.
Q Did he ever belong to anybody else except them? A Not as I know of.
Q Not that you know of? A Not, as I know of.
Q Which is the older you or he? A He is older than I am.
Q Do you know whether he went out of the Nation during the war?
A Yes, sir.
Q Did he? A Yes, sir, I guess he did.
Q When did you first see him back here in the Cherokee Nation after the war? A Well we came together come to the Cherokee Nation.
Q Where did you come from? A Come from Fort Scott, Kansas.
Q Where did you come to? A We come on the Verdigris river here Cherokee nation.
Q Well, when did you come? A We come in the fall of 1866.
Q Where did you come to that point; you said on the Verdigris river, now whereabouts? A Right close to Gooseneck bend.
Q Where have you been living ever since that time? A I have been living right where I live now.
Q Howfar does Nelson Murrell live from you? A It must be three milres or more, about three miles and a half I guess.
Q Something near three miles and a half? A Yes, sir.
Q Well, where has Nelson Murrell been living all this time?
A Been living right where he is now.
Q Since when? A Since we moved there in '66, the fall.
Q Do you know his wife, Flora Murrell? A Yes, sir.
Q When did you get acquainted with Flora? A Well, I used to know her before the war.
Q How long had she and Nelson been married, do you know? A I don't know.
Q Well, is it a long time or short time? A Been a good while ago.
Q Are they living together up there now? A Yes, sir.
BY W.W.HASTINGS:
Q What was his wife's name when you first knew her? A If I ain't mistaken it is a Melton.
Q Melton? A Yes, sir, if I mistake not.
Q Who did she belong to before the war? A If I aint mistaken, might be mistaken, George Melton, or Lewis Melton, it was the Melton family, there was a whole lot of them.
Q Where did she live before the war? A They did live there a while at Park Hill.
Q Where did you live? A I lived on Illinois river.
Q Do you think they belonged to the Meltons? A Yes, sir.
Q Was she and Uncle Nelson married before the war? A No, sir, I think not.
Q Wasn't they living in Kansas together? A I don't think she was.
Q Well when did you first see them living together? A Well that is when I was telling you I don't know howlong since they was married.
Q When did you first see them, how long ago? A He was up on Snow Creek.
Q Did he bring her back with him when you come with him? A I don't think he did.
Q When did he bring her? A I could not tell you that.
Q You can't say whether he brought her with him or not? A No,sir.
Q Who did he bring with him? A He brought a woman by the name of Eliza.
Q Is she living? A No, sir; she is dead.
Q When did she die? A She has been dead a good while ago, I

could not tell you just how long it has been.
Q How long was it after the war was it until you saw this woman?
A Well I could not say that either, it has been a good while ago.
Q Do you know whether she was ever married before? A No, sir, I could not tell that.
Q What is the first time you were ever down here after the war?
A I come in the fall of '66.
Q That the first trip you ever made? A That is the first trip to my recollection.
Q That is when you moved down? A Yes, when I moved down.
Q About what time in the fall wasit? A Kinda cold, late in the fall.
Q Pretty near Christmas? A It might have been.
Q About how long was it after the treaty, after you heard of it until you come? A I told you once I didn't know about what time, it might have been ~~xxxx~~ close to about a year, couldn't tell you exactly, never kept any dates, I come back in that fall.
Q You never kept up with dates very well? A No, don't know anything about it.
Q You didn't come down with Uncle Nelson in June or July before?
A No, sir.
Q Did he have any house built down there? A If he did I disremember.
Q You didn't see it? A No, sir.
Q Did he have a crop down there? A No, sir.
Q No corn? A No, sir.
Q Have any hay? A Well he might have had hay; I didn't stop around him very long, I moved right across the river.
Q How far did you locate from him? A It must be three miles or three miles and a half.
Q Did he come in a wagon? A Yes, sir.
Q How many wagons did Uncle Nelson have? A One as I know of.
Q Only one team? A Yes, sir.
Q Well, where did you get in with Mr. Murrell at? A Fort Scott.
Q Did he live there in Fort Scott? A Not right in Fort Scott he didn't.
Q On whose place was he living? A I disremember the man's name now.
Q Do you think you would remember it if I was to call it?
A I don't know whether I would or not.
Q Do you remember a man's name by the name of Stuart? A I don't believe I do.
Q Do you know whether he made a crop down here that year that you moved down here in the winter? A I don't know whether he did or not.
Q He was living on a farm near Fort Scott? A Yes, sir.
Q And there is where you got up with him? A Yes, sir.
Q Do you belonged to uncle Nelson's Freedman Protective Association
A I told you not.
Q You live within three miles from him? A Yes, sir, I could live in the house and then not belong to what he did.
Q He testified for you? A Yes, sir.
Q And you are testifying for him? A Yes, sir.
Q Yet you don't belong to his Protective Association? A Wasn't nobody up there to have as a witness, nobody there; if there had been anybody there I probably would have had different people.

JOE ROSS, being duly sworn by Commissioner T.M.Needles, testified as follows: BY MR. SMITH:
Q State your name? A Joe Ross.
Q How old are you? A I am about 60 years old.
Q Where do you live? A Up in Cooweescoowee.
Q What is your post office? A Coffeyville.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation all my life.

Q Did you go out of the Nation during the war? A Yes, sir.
Q Do you know Nelson Murrell? A Yes, sir.
Q ~~Do you know~~ Was he out during the war, or did you know about that yourself? A Out during the war.
Q Yes, was he out during the war, or didyou know? A Yes, he was out during the war.
Q When did you next see Nelson Murrell in the Cherokee Nation after the war? A When I first seen him me and him came down to the Cherokee Nation from Kansas.
Q When did you come? A In '65 first.
Q Where did you come to? A Down here on the Verdigris.
Q In what district? A Coowweescoowee District.
Q That was Cherokee Nation? A Yes, sir.
Q Well, where have you been living ever since that time?
A I have been living right here.
Q What do you mean by right here? A In Cooweescoowee until we come back.
Q How far do you live from where Nelson Murrell lives?
A We live right close together.
Q How close together? A We stayed pretty near in one house pretty near together.
Q Do you mean now?A Not now, he stays on one side of Snow Creek and I stays on the east side.
Q Howfar do you live from him now? A About two or three miles.
Q Do you know where Nelson Murrell has been living since you and he came back here in 1865? A Yes, sir.
Q Where? A Right where he is living now.
Q And where is he living now? A Verdigris.
Q In what Nation? A Cooweescoowee.
Q Cooweescoowee District you mean? A Yes, sir.
Q Well, what Nation is it in? A Cherokee Nation.

BY MR.HASTINGS:

Q Do you know what Nation this is, are you positive? A I know is is Cherokee Nationall right.
Q Do you know what district it is? A Yes sir.
Q What? A Cooweescoowee District.
Q Uncle Joe, what year is this?A I don't know, sir.
Q Do you know any year? A Mighty little.
Q Don't know anything about dates? A No, sir.
Q Do you know what year you were born? A No, sir, I don't know that.
Q Do you know what year you were married? A No, sir.
Q You don't know about any other than, anything but the one you mentioned? AYes, sir.
Q That is the only year you know? A No, sir.
Q What other year do you know? A '65.
Q Don't you know any other year? A No, sir.
Q You never heard of any other year? A Yes, sir.
Q What other year did you hear of? A '60.
Q Did you ever hear of any other? ANo, sir.
Q You never heard of any other except these two? A No, sir.
Q Where did you live before the war? A Lived with John Ross.
Q Didyou know Nelson Murrell's wife? A Yes sir.
Q Flora? A No, sir; one he lived with up there, I knowed his wife was Eliza Murrell.
Q Well his present wife; is that his present wife? A Yes, sir.
Q Well, I didn't know that that is the wife he is living with now?
A Yes, sir.
Q How long have you known her? A (No response.)
Q You come to Snow Creek did you? A Yes, sir.
Q About what time of the year did you come to Snow Creek? A Come there in '65 the first trip I made.
Q About what time of the year was it? A Well, sir, I don't know what time it was, it was cold.

Q About Christmas? A No, it was not Christmas.
Q Well, wasit before Christmas or after Christmas? A No, it wasn't, it was sometime, it was cold weather, I don't know what time it was.
Q Snow on the ground? A Snow ketched us on the ground before we went back.
Q Who come with you? A Me and Nelson Murrell and Frank Nave.
Q How long did you stay her? A About a week and some nine or ten days.
Q The snow caught you on the ground while you were down here?
A Yes, sir.
Q What did you come down for? A We fetched a load of flour down.
Q Is that the old time you were down here before you moved?
A That was before I moved I come down here.
Q Then the next time you come down you moved? A No, sir, I come two trips, third trip I moved.
Q Who come with you the second trip? A Me and Murrell.
Q Who else? A Posy Bigson.
Q And who else? A That is all I remember.
Q What did you do that time? A We cut some hay and put up.
Q What time of the year was that? A I don't know, sir, what time of the year that was we cut some hay to put up.
Q How long did you say? A We stayed a week or so.
Q What did you cut hay with? A Moving blade, grass blade.
Q And put it up in stacks? A Put it up in stacks.
Q You didn't build any houses then? A We built our houses before that.
Q Was that in 1866 you come that time? A In '66, wewent up and moved out folks down to our houses.
Q You have lived up there on Snow Creek ever since? A Yes, sir.
Q Uncle Nelton testified for you in your case? A Yes, sir.
Q And you are testifying for him in his? A Yes, sir.
Q Do you belong to Uncle Nelson's Freedman Protective Association?
A I didn't know they had a Freedman.
Q Do you belong to it? A I don't know whether I is or not.
Q Do you belong to an Association of colored people? A Yes.
Q Good many people
Mr. Smith: Mr. Court, I want to make a formal objection because it is irrelevent, incompetent and immaterial.
Objection is overruled by the Commission.
Q I want to ask you if a great many don't belong to that association up there? A (no respone.)
Q Say, Joe, don't a good many people belong to that Association?
A Yo' a good many of them.
Q About how many? A I don't know how many there is a few of us.
Q It is a Secret Association isn't it? A I guess it is.
Q You only let certain persons in? A We let all come in we don't want to come in.
Q Steven Loonny belonged to it? A I don't know whether he ax is or not.
Q You don't know the mehmers of it? A I know 'em, but they.
Q You can't tell them? A No, sir.
Q You are not allowed to tell them? A No, I ain't.
Q You are not allowed to tell the purpose of it are you? A No, sir.
Q It is a secret association then isn't it? A It must be.
Q Where did you see, first know Nelson Murrell's present wife, the wife he is living with, where did you first know her? A I knowed her where she is now, in the Cherokee Nation.
Q Well, when did you first know her? A I have been knowing her all my life.
Q Who did she belong to before the war? A She belonged to old man Nelton.
Q When did she and Nelson marry? A I don't know, sir, when they married.
Q Before or after the war? A Well, before the war; yes, before the war.

Q Did Nelson bring her down here with him when he came back with you? A No, sir.
Q Well did he bring her down here when he moved his family? A No, sir, he didn't.
Q Well, who did he bring? A He brunged his wife with him what he had up there, Eliza Williams.
Q That is not the wife he is living with now? A No, sir.
Q Well had he married this wife before the war? A Which wife?
Q This one he is living with now? A No, sir.
Q He didn't? A No, sir.
Q He never married her until after the war? A No, sir.
Q Well, how long after the war until you saw this woman? A I saw her, don't know how longit was.
Q Did she come along with you people? A No, sir, she didn't.
Q Do you know who brought her down here? A No, sir.
Q Do you know when che some? A No, sir.
Q You don't know how long after the war? A No, sir.
Q Do you people in your Association agree to help each other get up your testimony? A We don't have any testimony to get up.
Q Never made any agreement of that kind? A No, sir.
Q You appointed uncle Nelson as a member to go down to Fort Gibson? A I didn't appoint him.
Q I mean that Association down there they sent him down there? A No, sir, they didn't.

BY MR. SMITH:

Q I believe you stated that you didn't see and you didn't yourself know where Flore Melton was when you and Nelson came back down here in 1866? A No, sir; I don't know where she was.
Q Do you know how long it was after that before Flora and Nelson married? A No, sir.
Q Can't say? A No, sir, I can't say.
Q Now, who was Nelson's wife before he married Flora? A Eliza Williams.
Q Eliza was her name was it? A Yes, sir.
Q Well, Nelson was not married to Flora before the war was he? A No, sir.

FLORA MURRELL, being called and sworn by Commissioner T.B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Flora Murrell.
Q How old are you? A Well if I remember right I think the last day of this last June I was 70.
Q Where do you live? A I live on Snow Creek between Snow Creek and the Verdigris River.
Q In what Nation? A In the Cherokee Nation.
Q How long have you lived there, in the Cherokee Nation? A All my life.
Q Were you born a slave? A Yes, sir.
Q To whom did you belonged at the time the war commenced? A Lewis Melton and Susie Melton.
Q Were they Indians? A Yes, sir.
Q Citizens of the Cherokee Nation? A Yes, sir.
Q Where were you during the war? A I was up in Big Bend.
Q Where is Big Bend? A Up on the Arkansas River.
Q In what Nation? A Well it was in the Cherokee Nation.
Q Did you go out of the Cherokee Nation at all during the war? A No, sir.
Q Where were in the year 1866 , immediately after the war closed? A I was at Big Bend, I don't know none of that time.
Q You don't know dates? A No, sir.
Q Well, have you ever lived out of the Cherokee Nation at all? A Never has.
Q Who were the members of the family of Lew Melton and his wife, about whom you have spoken? A Susie Melton, Nancy Melton and Mary

Melton, and had a daughter named Susie, George and Catherine and Edward Melton, Moses Melton.
Q In what part of the Nation were you living when the war commenced? A We was living on the place where.
Q Don't care about the place but what part of the Cherokee Nation were you living? A Bird Creek.
Q What town would that be as the towns are built now? A There wasn't no towns near us then any nearer than Tahlequah.
Q Well, how far did you live from Tahlequah? A They called it a hundred miles.
Q You don't know how far it was? A No, sir.
Q Now, thisplace you are talking about living what town if any has been built up near that place since?A I don't know sir as there is any, I ain't been to the place since the war.
Q You state that you weren't out of the Cherokee Nation during the war? A No, sir, I wasn't.
Q Have you ever been married before you married Murrell?
A Yes, sir.
Q Who was your husband? A Louin Vann, they called him in Cherokee, his name was Robert Vann in English.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Joe Vann.
Q Was Joe Vann an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q How long were you and Louin Vann married? A Well, I don't know hardly just how long we was married.
Q Did you have any children while you were his wife? A Yes,sir.
Q What are their names? A We had eight children, I haven't got but three living.
Q Give me the names of these children? A Sonny Smith.
Q Is that a man or woman? A He is a man.
Q And what is the next one's name? A Charley Vann.
Q What is the next child's name of the three living? A Lila Hopkins, she is married.
Q Is that meant for Delilah or just Lilah? A Meant for Delilah but we just called her Lilah.
Q Is she married? A Yes, sir.
Q When did she marry? A She married Oliver Hopkins.
Q Where does she live? A She lives on Caney.
Q In what Nation? A Cherokee Nation.
Q How long has she lived there? A I don't know just how long she has been there, pretty near ever since they have been married.
Q How long have they been married? A I don't know; been married long enough to have seven or eight children.
Q How old is the oldest child? A I don't know, I think she is in her sixteenth year.
Q Where was Lilah before she married? A She was living with me.
Q Where did she live up to the time she was married? A With me.
Q Where does your son, Charley Vann, now live? A He lives in about a half a mile from me.
Q Where? A On Snow Creek.
Q In what Nation? A Cherokee Nation.
Q Is Charley married? A No, sir.
Q What is his wife's name? A Her name is Kizzie.
Q How many childrenhas he got? A One.
Q What is its name? A William Vann, she is a girl.
Q These three children, Charley Vann, and Lilah Vann and Sonny Smith are your children? A Yes, sir.
Q Where had Charley lived up to the time he was married?
A Lived out here with me.
Q Where did Sonnt live? A He lived out home with me, when he was not working out.

Q Where does Sonny live now? A I know not where.

BY COM'R NEEDLES:

Q Flora, you say you never lived out of the Cherokee Nation?
A No, sir.
Q You were born a slave? A Yes, sir.
Q Is your name on the roll of 1880? A Not as I know of.
Q Why is it not on? A I know when they was taking the census
in 1880, Rufus Ross taken them, he come up there, he
didn't go up to my house, and mother went out and she come back and
got me and when I getup there it was late in the evening and Rufus
told me to come back the next morning and meet him at Chouteau and
he would put my name down and when I went there he was gone.
Q Your name never did get down? A No, sir.
Q Are you married to Murrell? A Yes, sir.
Q Are you on the Kern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants nfound thereon as follows:
Page 170 #4184, Nelson Murrell, Cooweescoowee District.
Page 125, #3101, Flora Murrell, no district given.
The Wallace rollof Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 127, #2672, W. Nelson Murrell, Cooweescoowee District.
Page 128 #2689, Flora Murrell, Cooweescoowee District.

BY MR. HASTINGS:

Q You made a statement here about Rufus Ross taking the census roll in 1880? A I don't know what year it was, I don't know as I said what he taken the census.
Q You don't know whether it was in 1880 then or not? A No, sir, I don't.
Q Were you living with Nelson Murrell then? A I was married to Mr. Murrell then living at home with him.
Q Do you remember what year you were married to Mr. Murrell?
A No, sir.
Q Do you remember how long after thewar? A No, sir, I don't.
Q How old is Charley Vann? A I don't know that just exactly but I think he is along about 33 or 34, I don't know exactly.
Q Where was Charley born? A Born at Big Bend.
Q Big Bend where? A It was up on the Arkansas.
BY COM'R NEEDLES: Cherokee Nation? A Ut was Cherokee Nation then.
BY MR. HASTINGS: It was then? A Yes, sir.
Q Where was Delilah born? A On the Arkansas river.
Q Which is the older she or Charley? A Charley.
Q How much older is Charley? A Oh I don't know just exactly between two or three years.
Q Where was Sonny Smith born? A He was born up on Bird Creek.
Q Is he older or younger than the other two? A Yes, is the oldest child.
Q Where were you living when the war come up? A I was living at the Big Bend.
Q Were you then a slave? A Yes, sir.
Q Whom did you belong to? A I belonged to Lewis Melton.
Q Did Lewis Melton ever live in the Big Bend of the Arkansas?
A No, sir.
Q Well who were you living with out there? A I was living with my husband.
Q Had you run off? A Yes, sir.
Q How long had you been away from your owner? A About four years.
Q Had you been living out there in the Big Ben all that time?
A Yes, sir.

Q You didn't go to Muskogee? A No, sir.
Q Never went outside of the Cherokee Nation? A Well if you call that strip and one side of the Arkansas river that is where I was.
Q What were you doing up there that four years? A I was hiding.
Q How did you make your living? A My husband was a hunter and I had friends up there that fed me.
Q What friends did you know up there? A Dude Webber and Skiatook.
Q Skiatook who? A That is all I know I know about him.
Q Was he colored? A He was a Cheroke.
Q Full blood? A I guess he was, he talked Cherokee.
Q Didn't talk english? A No, sir.
Q He fed you did he? A Yes, sir.
Q Who else? A Wiley Butler.
Q Was he a Cherokee? A Yes, sir.
Q Did either Wiley Butler or Skiatook have any family? A Wiley Butler had but his wife was dead.
Q Is any of his family alive now? A I don't know, sir.
Q Is any of Skiatook's family living? A I don't know.
Q Did you work for any people out there? A No, sir; you know I was not working for anybody out there and hiding.
Q What was Dude Webber doing out there? A He was herding cattle out there for his Mistress and I can tell you others that was out there.
Q What was his Mistress's name? A I don't know what his Mistress' name.
Q How far were you from her cow ranch? A It was right in the Big Pond.
Q Did you have a home out there? A No, sir.
Q Just lived out in the woods four years? A Yes, sir, I lived in a cave.
Q On what side of the river? A I lived on the west side.
Q Any towns near? A Not as I know.
Q You never heard of any town? A No, sir, and I never wanted to see any at that time.
Q What was your husband's name? A Louin Vann inCherokee.
Q He was out with you? A Yes, sir.
Q Well after the war closed did you come back? A I come right down the river.
Q In a skiff? A I come back in a wagon.
Q From what point? A From the Big Pond.
Q Who brought you? A My husband brought me.
Q Just you and your husband? A And my children.
Q Where did you go to? A When I first come back I come down on Pryor Creek.
Q Is that below here? A I don't know whether it is below here; I think it is below here.
Q You know where Pryor creek is; it runs over about 20 miles and I want yo know what part of Pryor Creek? A I come down on Pryor Creek to Mr.; I can't call his name just now.
Q Well how far from Chouteau? A I don't know sir, how far it was from Chouteau.
Q What town was your nearest town? A When I came back?
A Yes. A Wasn't any town there at all when I came back.
Q Don't remember who you lived with there? A I didn't live with anybody but my husband.
Q Did you make a place down there? A No, sir, I just went down there to my mother.
Q What was your mother's name? A Sarah Ross.
Q How long did you stay there? A I stayed there two or three weeks and went to the Verdigris.
Q And how long was that after the war you made this first trip to Pryor Creek? A I can't tell you just exactly howlong that was.
Q Was that the first trip you made here? A My mother was living at Tahlequah the first trip I made down here I went to Ben Grimmetts.

Q Where was Ben Grimmett living then? A He wasliving on Pryor Creek.
Q Was that in the spring or fall? A It was in the spring, it was getting pretty warm.
Q Did all of your family go with you? A Yes, sir; didn't have any family but my children.
Q And your husband? A Yes, sir.
Q He went with you? A Yes, sir.
Q In a wagon? A Yes, sir.
Q Where did you get this wagon? A I don't know where he went out and got it.
Q You didn't it there during the war? A No, sir; you never seen negroes have wagons and horses about when they run off.
Q I am asking you where he got it? A My husband got it he went out and got it.
Q This first trip is when you come down to Ben Grimmett's? A Yes, sir.
Q How long did you stay? A I stayed all night.
Q How long did you stay? A I went back to my cave.
Q How long did you stay there? A I don't know exactly how long I stayed there when I went back.
Q Well did you stay there a year? A I might stayed a little longer than a year.
Q That was after the war? A Yes, sir.
Q Did you see anybody on your trip down to Ben Grimmett's? A Oh, I seen some Indians but I didn't stop to have any chat with them.
Q Did you see any coloredpeople? A Yes, sir.
Q Well, who? A I didn't stop.
Q Where did you see any houses? A Along the road between there and Caney, along.
Q Caney, that is up by Bird Creek? A Yes, sir.
Q Houses along there? A Yes, sir.
Q People living in them? A Yes, sir, I seen some children.
Q Well, now, where did you go to from your cave after you returned there? A The last time?
Q Yes. A I went down to Pryor Creek, mother hadmoved there and I went down there.
Q And then how long did you stay down there? A I stayed about two or three years.
Q That was two or three years after the war? A I said weeks, weeks is weeks, and years is years.
Q About how long after the war was that when you went down to visit your mother? A Well, I don't know just exactly, I think it was about two or three years.
Q That is your best judgment? A To the best of my knowledge.
Q You stayed there then two or three weeks did you? A Yes, sir.
Q And then where did you go? A I went back to my place up on the Verdigris.
Q Was your husband alive then? A Yes, sir.
Q Did he move up on the Verdigris with you? A Yes, sir.
Q Where did he die? A He died at Pryor Creek.
Q When? A About five or six monthsafter we got in.
Q And you afterwards married Nelson Morrell? A Yes, sir.
Q Is any of that family, Walton's family, alive that you belonged to before thewar? A There was, I guess you had my young Mistress before you, had Nancy Sage.
Q Is she your young Mistress? A Yes, sir.
Q Was she the daughter of Walton? A Daughter.
Q Did he have any other children? A Oh, yes, he had a house full.
Q What was their names? A Betsy, Nan, Mary and Catherine, and George, Ed, Rose and Susie.
Q Where were they living when you run away? A Verdigris.
BY COM'R WORTS:

Q Elora, what was your father's name? A Sonny Brown.
Q What was your mother's name? A Sarah Ross.
Q You were a slave? A Yes, sir.
Q Where is this Big Bend you have been talking about?
A Up on the Arkansas River.
Q Isit in the Cherokee Nation or Kansas? A In the Cherokee Nation.
Q Is it on what is known as the Cherokee strip? A No, sir, what is what is known as a Cherokee strip as I understand it.
Q That was in the Cherokee Nation? A Yes, sir.
Q This cave was in the Cherokee Nation? A Yes, sir.
Q You never went over to Kansas hiding then? A No, sir.
Q You say you went there three or four years? A Yes, sir; I run away four years before the war.
Q Did your owners ever hunt you up? A I guess they did, they had a reward out for us.
Q They never found you? A No, sir.
(Remainder of Application taken by Stenographer, M.D.Green.)

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony andproceedings in this case, and that the foregoingis a true and complete transcript of his stenographic notes thereof. (signed) J.O.Rosson.
Subscribed and sworn to before me this 12 th day of June, 1901.
(signed)T.B.Needles,
Commissioner.

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Continuation of this case from notes taken by Stenographer, J.O.Rosson, this day.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6,1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife, Flora, as Cherokee Freedmen; BOB WEBBER being sworn and examinedby Commissioner Needles, testified as follows

Appearances: Smith, of Mellette & Smith, for applicants;
W.W.Hastings, for the Cherokee Nation.

Q What is your name? A Bob Webber.
Q Where do you live? A On Lightning Creek.
Q In what district? A Coweescoowee District, Cherokee Nation.
Q What is your post-office? A Hayden.
Q Howlong have you livedin the Cherokee Nation? A All my life, raised here.
Q How old are you? A Must be about 65.
Q Do you know Flora Murrell? A Yes sir.
Q How long have you known her? A I have knowed her ever since I was a boy.
Q You knew her before the war? A Yes sir.
Q Do you know whether she was a slave or not? A Yes sir.
Q Do you know who she belonged to? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q A citizen of the Cherokee Nation? A Yes sir.
Examined by Cherokee Representative, W.W.Hastings:
Q How long before the war did you know her? A Long time, ever since I was a boy.
Q You knew her when the war come up? A Yes sir.
Q Where was she then? A She was out on the Big Bend of the Arkansas.
Q Were you out there then? A I was out there, judt before the war.
Q How long before the war? A It must have been four years before the war.
Q That's the last time you saw her? A Yes sir
Examined by Attorney Smith:

Q When did you first see her after the war? A I met her down here on Pryor's Creek after the war.
Q How long after? A It must have been about four years after the war.

Examined by Commissioner Needles:
Q Did you know her owner? A Lewis Melton, yes sir, he had a mill down below Tahlequah there, and I used to go to the mill.
Q He was Flora's owner? A Yes sir.
Q Did you see her there then? A Yes sir.
Q Did you see her on Big Bend before the war? A. Yes sir.
Q How far was that from her owner's place to Big Bend? A About twenty miles.
Q Was she living there on the Big Bend? A Yes sir, she was setting.

Examined by Cherokee Representative, W.W.Hastings:
Q Living in a house? A No sir, she wasn't in no house.

SAM WEBBER, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Smith:
Q State your name? A Sam Webber.
Q What is your post-office? A Nowata.
Q How old are you? A About 58 as well as I can guess at it.
Q Where do you live? A I live two miles west of Nowata.
Q How long have you lived in the Cherokee Nation? A I was born and raised partly here, and then come back in '68 and have been here ever since.
Q You know Flora Murrell, the wife of Nelson Murrell? A Yes sir.
Q How long have you known her? A Ever since I could remember myself.
Q Was she a slave before the war? A Yes sir.
Q To whom did she belong? A Lewis Melton.
Q Was she a Cherokee Indian? A Yes sir.
Q When did you last see her before the war, how long before the war? A Well just about the tije the war ~~was~~ was coming up, we went up to where they lived. They had a ranch up there, my old missus had a ranch and they always sent us up there to gather up cattle.
Q Your mistress had a ranch? A Yes sir.
Q How far did you live from there? A We lived near Tahlequah at the Double Springs, but we would go up there every year to gather up the cattle.
Q How far did you live from the ranch? A I couldn't tell you, it old take us about two days travel to go there where the ranch was, but the miles I couldn't tell you.
Q Where was this you saw Flora when you saw her? A The last time?
Q Yes? A She was in the Big Bend of the Arkansas.
Q How far was that from where Lewis Melton, her owner, lived?
A I don't know exactly, some tenor twelve miles, I guess, maybe little further, I couldn't tell exactly.
Q That was the last time you saw her? A Yes sir.
Q When did you first see her after the war? A I don't know just what year really, but then it was along some three or four years I judge after the war when I met her again.
Q Where did you see her again? A On Big Creek here.
Q How far from here? A It is about nearly 15 miles, I judge
Q Who did she come there with? A Man named Lowan Vann.
Q What relation did he bear to her? A He was her husband.

Examined by Cherokee Representative, W.W.Hastings:
Q How old are you? A I am about 58, as near as I could remember, I don't know exactly my age.
Q You were about 17 years old when the war come up, or 13?
A I was big enough to ride around and herd cattle.
Q Who went up there to this ranch with you? A Bob Webber and Dugh Webber.

Q You was alone at the time you saw this party, this Bob that was a witness here awhile ago? A Yes sir, he was older than I was.
Q He would know dates better than you would about that time?
A I don't know about that.
Q You didn't tell anybody about seeing this party up there, this woman? A I was afraid to.
Q You didn't tell your owners? A No sir.
Q You didn't tell your people? A Told my parents,
Q But you didn't tell anything else about seeing her up there?
A No sir.
Q You didn't testify for her five years ago, you didn't tell it then did you? A No sir.

Examined by Commissioner Needles:

Q You knew she was a runaway? A Yes sir, I knowed that all right enough.
Q But you didn't go and tell her owners where she was? A No sir.

Commr Needles: Nelson Murrell applies for the enrollment of himself and wife, Flora; they are both duly identified on the Mams-Clifton and the Wallace rolls; but they cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; they make satisfactory proof as to residence,- by reason of the fact that their names are not upon the authenticated roll of 1880, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

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M.D.Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. (signed)M.D.Green.
Subscribed and sworn to before me this June 8 1901.
(signed)T.B.Needles,
Commissioner.

* * * * * * * *

File with Cherokee Freedmen D-548, Nelson Murrell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 19, 1901.

In the matter of the application of Nelson Murrell et al for enrollment as Cherokee Freedmen.
Testimony introduced on behalf of Cherokee Nation.
Appearances:
Mellette & Smith, of counsel for applicants;
J.S.Davenport, of counsel for Cherokee Nation.

R.M.ALLEN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A R. M. Allen.
Q Where do you live, doctor? A I live north about a mile of Coody's Bluff, when I am at home.
Q What is your post-office? A Coodys Bluff.
Q How long have you lived in the Cherokee Nation? A Ever since 1868.
Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.
Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journeycake Prairie.
Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.
Q By blood? A By adoption, or marriage.

Q To a Cherokee? A To A Delaware.
Q Now did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.
Q Do you know the applicant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.
Q Where were you in '68 after you came down to the Cherokee Nation, what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.
Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.
Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?
A Yes, sir.
Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.
Q What was he? A He was a Delaware.
Q Where was the first one, or how many houses were along there? A After you left old man Jounreycake's, the first house would be the Widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of Little Buffalo.
Q Were you out over the country around Snow Creek during that year?
A What year, '68?
Q Yes, that is the year you said you came down? A No, I don't think I was any that year.
Q Well, was you the next year? A Yes, in the fall of '89 I did made a trip to the Kansas line.
Q To what point in Kansas did you go? A Well they were going to built this town called Parksburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake and one Dan Hol D. Hicks, and we went right up the Verdigris Valley.
Q On what side? A East side, and I crossed Snow Creek right where it ran into the river, there was a man lived there, he was living there the last time I was there, by the name of Singleton, I didn't know him.
Q Now how from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.
Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.
Q You never saw the applicant, and have been acquainted with him?
A I didnt remember the old gentleman till to)day I met him and some man introduced me to him, Sam Webber I believe.
Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.
Mr. Smith: What did you say your name was? A Allen.
Q Doctor Allen? A Yes, sir.
Q Are you a physician? A Yes, sir.
Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated in the Rush Medical College in Chicago in '65.
Q Well do you practice medicine out there now? A Well just a little, not much.
Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1868.
Q Is that on Snow Creek? A No, sir.
Q How far was that from Snow Creek? A Fifteen or twenty miles.
Q Then how long was it from that time until you were on Snow Creek?
A I went on Snow Creek in the fall of '69.
Q How long is Snow Creek? A I don't know.
Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.
Q Then where were you going to? A I was going to the Kansas line

where they were going to build that town called Parkersburg.
Q Did they build it? A They did, afterwards.
Q How long afterwards? A The next time I was there they had quite a town there.
Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 20th day of May, the next spring.
Q Well, did they have any town there when you went there the first time? A No, sir.
Q Did they have any town laid out? A I saw some lumber along down there.
Q Did they have any plat, town plat? A I never heard of it.
Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me sufficient news about it to purchase any lots.
Q Did you buy any lots? A No, sir, I didn't.
Q Did you ever buy any in Parkersburg? A No, sir, never did.
Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household utensils.
Q Did you buy them? A I did.
Q How far was it from Journeycake(s where you started to Parkersburg? A Oh it is 25 or '6 miles.
Q And in what direction was Parkersburg from Journeycake? A Well sir, it is north , and I believe a little west.
Q How far was Parkersburg from the Kansas line? A Well, they didn't know where the line was in that day.
Q They didn't know? A Not then they didn't.
Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.
Q How you started in the fall of 1869 from Journeycake's, did you? A Yes, sir.
Q Where did you? A I started from home.
Q Where did you live? A I lived up at Coody'd Bluff.
Q How far was that from Journeycake's? A About four miles.
Q In what direction from Journeycake's? A North.
Q Then you started from four miles north of Journeycake's in the fall of '69 to go to Parkersburg? A Yes, sir.
Q How did you travel? A I went horseback
Q And was there a road to travel? A No, there was no road.
Q Wasn't any road? A No, I didn't follow any road.
Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
Q Once or more than once? A I only crossed it once going up.
Q And once coming back? A Yes, sir.
Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
Q Well, it is not the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek,
Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
Q And crossed the creek? A Yes, sir.
Q You didn't have to follow the Creek? A No, I didn't follow the Creek.
Q You just simply crossed Snow Creek in 1869? A Yes, sir.

Q Well now then you are not prepared to say that this applicant, Nelson Murrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.
Q But you say you only touched Snow Creek at one point? A That is all.
Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
Q Up or down the Creek? A No, sir.
Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it, A Yes, sir, if a house had been out on the Prairie a quarter of a mile fro me them days I could have seen it.
Q Under favorable consditions you could have seen it? A Yes, sir.
Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Meedles, testified as follows:

Mr. Davenport: What is your name? A Simon Love.
Q Where do you live? A Claremore.
Q How long have you lived in the Cherokee Nation? A Ever since '68.
Q Are you a Cherokee or a Delaware Indian? A Delaware.
Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.
Q What was your father's name? A My stepfather's name was Buffalo.
Q Well, did he have any English name? A Little Buffalo they called him.
Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.
Q What was your stepfather's name? A Little Buffalo.
Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Cedar Creek, about fifteen miles from Coffeyville, Kansas.
Q On what side of the Verdigris River did you locate? A The east side.
Q How far from what is known as Snow Creek? A Six or seven miles I should judge.
Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.
Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.
Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to trade up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.
Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.
Q Was there any houses there? A There was one house there that I can remember, a carpenter that built our house lived there, a man named Baker, in the fall of '85 he built our house.
Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.
Q Well, how long have you known him? A I just can't tell how long.
Q Do you know where he lives now? A Yes, sir.
Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '68.
Q Where does the applicant live with reference to that? A Right north of it.
Q About how far? A I can't tell you how far.

Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place
Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, I don't remember.
Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.
Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.
Q Where were they living? A Living on Snow Creek.
Q That part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.
Q When did they come in there and locate, if you know? A I don't know when they came in.
Q Well, how long have you known that family? A Well I have known them quite a while.
Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.
Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.
Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little farther away, a little farther east.
Q How long since you have been in that locality? A I have been in there quite a while, I don't know really.
Q I believe you stated you came down after the Delawares made the treaty with the Cherokees, or before, which was it? A Afterwards.
Q Did you come the same time the Delawares came, or did your father move the same time they came? A Same time, his was the first train that came down.
Mr. Smith: Mr. Love, you and your family were among the first Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.
Q And you have lived in the Cherokee Nation ever since? A Yes, sir.
Q You are a citizen of the Cherokee Nation? A Yes, sir; only what time I have been out to school I didn't live here.
Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.
Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.
Q What direction? A South.
Q Into what stream did Cedar Creek empty? A The Verdigris.
Q Into what stream did Snow Creek empty? A The Verdigris.
Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.
Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.
Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.
Q Well, did you have a house to live in when you first came there? A No sir.
Q What season of the year did you come to the Nation? A February.
Q When did you get a house? A Got a house the next fall; that is, a man built our house.
Q How old were you when you came here? A I was about 15.
Q Where did you remain during the months from February until you got your house built the following fall? A Right at home there.
Q Now you know this old man Nelson Murrell? A Yes, sir.
Q And you have known him a long time? A Quite a while, I can't remember just what time.

Q A great many years? A I can't remember how long.
Q Been so long you can't remember when you first did know him? A Been fifteen or twenty years.
Q Been longer than that, hasn't it? A I don't think it has.
Q How long has it been since you first came down here? A I came here in '56.
Q Well how many years? A 35 years.
Q Well now about how long have you been knowing old man Nelson Murrell? A I should judge about fiteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.
Q How many years was that after you came down to the Cherokee Nation, that you went to Connor's? A About '71.
Q About that? A Yes, sir.
Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.
Q You were still a boy when you did leave? A Yes, sir.
Q Now you didn't go, while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No sir.
Q You know how long Snow Creek is? A No, sir.
Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.
Q You don't know; you never were up the Creek then from the mouth of the Creek up to the Kansas line? A Only right there along the roadwthere I crossed Snow Creek.
Q Now where would you be going when you would cross it? A Well, up into Kansas.
Q To what poin t? A A place they called Clymore, on Pumpkin Creek, a trading point, or post.
Q Now what was the nearest town of any note to you in the Cherokee Nation, store or post-office, or anything of that sort? A There was none.
Q How far did you live from the mouth of Cedar Creek? A About a mile, not quite.
Q Then you were about a mile from the Verdigris? A Yes, sir.
Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.
Q When you had to go to Kansas, what direction did you travel? A North.
Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.
Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast.
Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?
Q Well I went after that carpenter that built the house.
Q I mean outside of the carpenter and Clymore? A No, sir.
Q So when you went to Clymore you crossed Snow Creek? A Yes, sir.
Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed crossing, Luman Reed Crossing.
Q How do you know how far that is from the mouth of Snow Creek? A I should judge about a mile and a half or two miles.
Q Or two, and might be further? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.
Q Now then when you were traveling from where you lived to Clymore you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.
Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.
Q You can't swear he didn't live there? A No, I can't.
Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any houses there.
Q How about a mile up the creek or a mile down the creek? A That I can't tell.
Q You don't know, do you? A No, I don't think there was any houses.
Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the Creek or a mile down the Creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles testified as follows:
Mr. Davenport: What is your name? A John Secondine.
Q Where do you live? A Up at White Oak.
Q That your post-office? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years; since 1868.
Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.
Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.
Q Well, what year was that in? A When I first came here, that was in '67, in August.
Q Well, when you came to the Cherokee Nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.
Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.
Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.
Q How long did you stay there? A Well, we stayed there as much as a week or ten days somwehre along there.
Q Was there any houses around there? A No, sir.
Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A No, we looked all around the country there; we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.
Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.
Q Were you down the Creek to where it empties into the Verdigris? A Yes, sir.
Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.
Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.
Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.
Q You went up and down the Creek you say? A Yes, sir, there was no settlement there.
Mr. Smith: You live out here close to Vinita now? A Yes, sir, I live at White Oak.
Q About how long have you been living there? A I have been living there 16 years I believe.
Q You related in any way to Journeycake? A Yes, sir.
Q What relation? A Second cousin I believe.
Q How far did you live, when the Delawares first come down in the Cherokee Nation, from Journeycakes? A I lived six miles above, north
Q Six miles north of Journeycake's? A Yes, sir.
Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas calle Parkersburg? A Let's see, I guess it is close onto twenty or twenty two miles I guess.
Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.
Q What direction, west, or north? A East.
Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.
Q Twenty miles from the mouth of Snow Creek? A ~~It mmmk~~ ~~ha~~ yes sir.
Q Do you know a family in there by the name of Love? A Yes, sir.
Q Where did theylive? A They lived up there below Gooseneck Bend, what they call now.
Q Up close to Verdigris River? A Well the were right there in the edge of the bottom, they lived right in the bottom when they first came down here.
Q How far from the Kansas line? A I guess it must be about ten or twelve miles.
Q How far from you? A Oh about 10 miles.
Q In what season of the year did you arrive in the Cherokee Nation? A Well I think the 9th day of February.
Q Who did you come with; that is, I mean your own immediate family, your father? A No, my mother.
Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until grass came up in the spring of '68,
Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a crop over there.
Q How far from this place on Verdigris? A This was on Grand River, it is about forty miles.
Q How if I understand you, you came on the Verdigris River about '67? A I want you to understand this: we didn't move down in '67, I came down here to look at the country.
Q Then what did you do? A I went back to Kansas.
Q How long did you stay? A Well, we stayed a year.
Q It took you a year to look at the country? A No, we stayed about two months here.
Q When, in '67? A Yes, sir, two months on the Verdigris.
Q About twenty miles below the mouth of Snow Creek? A No. we stopped up there about ten days ~~onxx~~ Snow Creek.
Q Well, when did you stop on Snow Creek? A In '67.
Q What time? A In August.
Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.
Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.
Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.
Q Then you was coming how long altogether, about two months? A Two months.
Q Then you went back to Kansas? A Yes, sir.
Q How long did you stay in Kansas? A We stayed till- I left there in February, about the first of February.
Q What year, '68? A '68.
Q Where did you go? A Came down here.
Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.
Q How long did you stay in that part of the country where you first came to? A Well about two months.
Q About what time was it when you moved out of that neighborhood
A It was about along in the first of April, somewhere along there.
Q Then did you move to Grand River? A Yes, sir.
Q That was 35 or 40 miles away? A Yes, sir.

Q Were you back in there at any time soon? A I came back again before Christmas.
Q Back in there again? A Yes, sir.
Q Where were you then? A I was over there about Coodys Bluff.
Q Up about Snow Creek? A No, below there.
Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well I can't exactly tell, it is not very far.
Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.
Q You mean the mouth of Snow Creek? A Yes.
Q Then you camped right exactly on the Kansas line? A No, sir.
Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.
Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.
Q It has to be up Snow Creek if it was anywhere? A Yes.
Q Well you said you camped three miles from the mouth of Snow Creek? A Yes.
Q Then you were right exactly on the Kansas line, weren't you? A No I was right east; Snow Creek runs kinder east, kinder of northeast.
Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, there wasn't anybody livig there.
Q Well, there was a carpenter living there that built this fellow Love's house? A The Delawares never moved here till '68.
Q You said you were back there in '68; what I am asking you about, you were back there in '68, were you on Snow Creek then? A I think I was there.
Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.
Q Well you don't know when this carpenter that this other witness got up there to build his house, built his house up on Snow Creek, do you? A No, sir.
Q Can't say that wasn't there in '68 though, can you? A No, sir, can't ~~xxxx~~ swear it wasn't there.
Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.
Q You don't beliebe it was, but you don't know? A Because I didn't see them, there was no settlement there.
Q All you know is you didn't see any houses there? A It would have to be apretty small house if I didn't see it.
Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.
Q What was it along Snow Creek, timber of prairie? A There is some timber there.
Q You could stick a little cabin around there most anwyere, couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Murrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.
Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people.

HENRY NELTON, being duly sworn by Commissioner Besules, testified as follows:
Mr. Davenport: What is your name? A Henry Nelton.

Q Where do you live? A I live up on Snow Creek.
Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.
Q Do you know the applicant here, Nelson Murrell? A Knowed him all the days of my life.
Q Was he living up there when you lived up there? A Yes, sir,
Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.
Q Where were you living when the war broke out? A Living on Bird Creek
Q You know where Nelson was? A Yes, sir.
Q Was he there with you? A No, sir, he was down here to Park Hill
Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.
Q How long before the braking out of the war had you been down there? A I don't know, I can't tell.
Q Well, had it been a year or two years or six months; what do you think about it; I want to get the facts there, about how long it had ben before the war came on? A I can't tell you.
Q You and Nels belonged to the same man, did you, before the war? A My mistress' daughter married Uncle Nelse's young master, John Have.
Q Who did Uncle Nelse belong to when he went by the name of Murrell? A George Murrell.
Q Is that the same George Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one;, I don't know it.
Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagoner from Park Hill? A Yes, sir.
Mr. Smith: I object to that, because it is leading.
Q Did you knowxxxhChlora? A Yes, sir.
Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.
Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.
Q Where was Chlora when the war came on? A I don't know where she was.
Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.
Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.
Mr. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.
Q What was his name? A Lewis Melton.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.
Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.
Q Mr. Davenport: Do you know who she run off with? A Yes, sir, my woman will tell you that.

Taking of testimony continued by Stenographer J.O.Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)Bruce C. Jones.

Sworn to and subscribed before me this the 8th day of November, 1901.

(signed)T.B.Needles,
Commissioner.

October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, Ct. Al., C.N.-D. #548, continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:
Mr. Smith, of Counsel for applicants;
Mr. Davenport, of counsel for Cherokee Nation.

MINTIE HELTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation.

MR. DAVENPORT: What is your name? A Mintie Helton.
Q Where do you live, Mrs. Helton? A On the Verdigris.
Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.
Q You know the applicant, Nelson Murrell? A Yes, sir, I know him.
Q Do you know his wife? A Yes, sir.
Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.
Q Well, do you know where she was when the war broke out? A No, sir, I don't.
Q Did she belong to the same parties that you belonged to? A No, sir.
Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.
Q Was she a slave of the same parties you were? A No, sir.
Q How far did she live from you? A 12 miles I think.
Q Well, you say you don't know where she was when the war broke out? A No, sir.
Q Had she left the country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.
Q What was your father's name? A His name was Robert Vann was his name.
Q Where was he when the war broke out, do you know? A No, sir, I don't.
Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.
Q About when did you see him? A When did I see him?
Q Yes? A I can't tell exactly when it was.
Q Well, have you seen Nelson's wife after you came back after the war? A This lady he has got now?
Q Yes. A No, sir, they lived up here.
Q I mean since you have moved up in this country? A Yes, sir.
Q Is she the same woman you knew before the war? A Same woman.
Q And you say you didn't know where she was? A No, sir.
Q Was she with her owners that owned her when the war broke out? (No response.)
Q Was she at their home? A Well, I don't believe she was right at home.
Q Do you know where she was or what became of her? A I don't know where she was.
Q Do you know how she came here, what the circumstances of it was? A I guess she went off.

Mr. Smith: I object to what she says.

Witness: She lives with Lewis Helton and I live on Caney.
Q Isn't it a fact that your father and she ran off and left this this country before the war broke out?

Mr. Smith: I object to the question, if the Court please, because it is leading, and the applicant says she does not know.

Com'r Needles: Let the objection be entered.

A She was at home and I was at home; I don't know where she went

to and I never visited there.
Q Wasn't it understood by you that she and your father ran off together before the war and left the country? A
Mr. Smith: I object to that.
COM'R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.
MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.
MR.SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.
Q You don't know what took place when the war broke out? A No,sir.
Q You don't know where she was when the war broke out? A No, sir.

HENRY MELTON, recalled, further testified:
MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.
Q Did he belong to the same men you did? A No, sir.
Q Did you ever know him before the war? A Yes, sir, he was living with Joe Vann.
Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.
Q Well, where was she when the war broke out? A I told you she was gone.
Q Do you know where Robert Vann was? A He must have been with that woman.
Q Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and stold Flory from my Masters.
Q Where did they go? A I don't know where they went.
MR.SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.
Q Did you see him? A Yes, sir, and talked with him.
Q Did you? A Yes, sir, and hoped him get off that night.
Q What night? A The night he left, and then I met my old boss, Wall Vann himself, waiting for me to see if he could hear from that woman, and I told him that Louin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.
Q Where did Joe Vann live? A On Grand River, in the Cherokee Nation.
Q And you think he had Flora over about Joe Vann's? A I don't know.
Q What did you say about Joe Vann? I said I was there when he brought her there.
Q Didn't you say awhile ago that that is where she was when the war broke out? A No, sir.
Q Have you told now all you know about thiscase? A Yes, sir.
Q Have you left anything for your wife to say? A No, sir.
MR.DAVENPORT: Just told the facts? A Yes, sir.
MR.SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.
Q Were you asked the question the first time you were on the stand who did Flora run off with; were you asked that question? A Yes, sir.
Q The first time you were on the stand? A Yes, sir.
Q Did you say "I don't know, my old woman can tell you?" A I said-
Q Did you say "I don't know?" A No, sir.
Q You didn't say that at all? A No, sir.

PHILLIP R. CAESAR, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:
MR.DAVENPORT: What is your name? A Phillip R. Caesar.
Q Where do you live Mr. Caesar? A Muskogee.

Q Where were you at the close of the war? At the close of the war I was in the war, in the army.
Q Where were you mustered out? A I was mustered out at Fort Leaven worth.
Q Well , after you were mustered out where did you go? A After I was mustered out I came to the Territory.
Q That part of the Territory did you come first? A First I came to Cherokee Nation.
Q Near what point? A Here on the Verdigris somewheres about the Verdigris, little creek called Snow Creek.
Q How long did you stay in that vicinity there? A I stayed there only one season, one year.
Q That year did you come to the vicinity of Snow Creek, Mr. Caesar? A It was '67, Spring of '67 that I came.
Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.
Q Was there any improvements made by anyone around there? A No, sir, only improvements I knowed of there at the time and they were little, and then I-- not an improvement, but just fencing and put in a little crop of corn the year I came there.
Q How far was the improvements thatyou made from where Snow Creek empties into the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow Creek and Verdigris.
Q Short distance away? A Yes, sir.
Q Are you acquainted with the applicant here, Nelson Murrell, the gentleman who sits there, the old gentleman on the front seat? A No, sir, I am not personally acquainted with him.
Q You are a citizen of the Creek Nation aren't you? A Yes,sir.
Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigris; up the Snow creek from the mouth and up the Verdigris from the mouth of Snow Creek.
Q That was before you left there? A Yes,sir.
Q Was there any Indians in that part of the country before you left? A Yes sir.
Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.
Q You did some work for him before you left there? A Yes, sir.
Q Do you remember his first name? A The young man employed me at the time there was Simon, and Sam.
Q Where did they live with reference to where you settled, or had they built improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.
Q Were you on the north side, what I would call the north side of Snow Creek, or south side; I mean by that, were you in between the river and Snow Creek? A Between the river and Snow creek.
MR. SMITH: How far were you away, Caesar, from the mouth of Snow creek? A In about, I could not tell, it was a short distcane it was just a flat.
Q Mile or ten miles? A About somewheres, a mile, might be a mile or mile and a half.
Q From the mouth of Snow creek? A Yes, sir.
Q How far was that from the mouth of Cedar Creek? A I don't know a creek by that name.
Q How far was that from the line of Kansas? A The exact distcane I couldnot tell; it was not very far.
Q About how many miles, as near as you can come at it? A Well. if I would have to say according to my judgment, because at the

time I never paid any attention whether it was half or 25 miles, but living there, to Chetopa it might have been four or five miles, that I would say that then it would be just according to my judgment.
Q Well, when youleft there did you leave for Chetopa? A When I left there?
Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.
Q How far did you live from Snow creek? A I raised~~xxxxx~~ one little crop on Snow Creek.
Q When did you get there? A Along in the spring, about February or March.
Q Did you have a family? A No, sir.
Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
Q Lived in Little's house? A ~~I lived~~ Yes sir.
Q ~~xxxxx dxxxxxxxxx~~ About a mile or a mile and a half from Snow creek? A Yes, sir.
Q Did you live right on the bank of Snow creek? A No, sir.
Q How far did you live? A Somewhere about a mile from the river.
Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
Q Now, how long is Snow creek? A I don't know.
Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas? A I don't know.
Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
Q You have been in the State of Kansas? A I have been, but I can't tell how long the creek is.
Q So you don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir, I could not tell you.
Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned? A No, sir.
Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.
Q You don't pretend to swear that man Nelson Purrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
Q You don't know how long those families had been there in that part of the country? A No, sir.
Q Where they came from? A No, sir.
Q Don't know anything about it? A No, sir.
Q How long were you in the army? A In the army about two years and two months.
Q Where did you join? A I joined about the 9th of August.
Q What year? A '63.
Q And how long were you in the army you say? A I was in the army two years and two months somewhere about that.
Q What time did that let you out? A I got out in September, well, in about, I was discharged in September, '65.
Q Where were you when you were discharged? A Fort Leavenworth.
Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.
Q Well, how many years? A Well, from '65 until '67.
Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.
Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and from from one country to the other.

Q Where did you first go, to the Creek Nation after the war?
A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big creek settlement.
Q Don't you know when it was you first went to the Creek Nation?
A No, sir.
Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.
Q Then? A I was in the Creek Nation in the limit, the 12 months
Q Twelve months from when? A From April the 13th or 16th I suppose.
Q April 16th, what year? A From the passage of the treaty.
Q When was that? A '67, April, '67.
Q When you worked for Love where did he live? A Cherokee Nation.
Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.
Q Just started; well, was it a house or not? A House I suppose.
Q Don't you know, don't you know a house when you see it?
A Yes, sir.
Q Was it a house or not? A Yes, sir.
Q Now, what year was that? A That was the year of '68, it seems to me it was the year after I left Snow Creek.
Q How early in '68 and how late? A How, the days of the year, and so on, I could not tell; it was about hay making time.
Q Do you know who built his house? A No, sir, the house was there when I went there.
Q Do you know anything about a carpenter before that time that lived up on Snow Creek and built Love's house? A I don't know.
Q Wasn't any living up there? A I don't know.
Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.
Q People lived around there that you didn't know anything about?
A I don't know; it might have been these people I am talking about.

Comr Needles: This testimony will be made part of the record in the case at bar, and it will be also made part of the record in Cherokee Freedmen doubtful cases #650, #552, #758, #925, #788 and #994.

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this October 25th 1901.

(signed) T.B.Needles.
Commissioner.

M.D.Green, being first duly sworn, states that as steno rapher to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this February 4th, 1902.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6, 1901.

In the matter of the application of Lewis Ross for enrollment as a Cherokee Freedman.

Lewis Ross, being duly sworn, and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Lewis Ross.
Q How old are you? A I am 42
Q What is your postoffice? A Melvin, I.T.
Q In what district do you live? A In Tahlequah district.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir
Q Do you want to enroll anybody besides yourself? A Nobody but myself.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Joseph Ross.
Q Is he alive? A Yes sir.
Q Give me the name of your mother? A Sarah Ross.
Q Is she alive? A No , she is dead.
Q How long has she been dead? A She has been dead about a couple of months I think.
Q Is your father a Cherokee Freedman? A Yes,sir.
Q Was your mother a Cherokee Freedman? A Yes sir.
Q To whom did you belong when the war broke out? A John Ross, I think
Q The old chief? A Yes sir.
Q You were a slave of his in the Nation here? A Yes sir.
Q Were your father and mother married at the time the war broke out? A Yes sir, I reckon so.
Q
Q Did your father live with your mother until she died two months ago? A Yes,sir.
Q Where did you go with them during the war? A I went to Kansas.
Q Did you come back when they came back? A Yes sir.
Q Did your mother and father come back to ether? A Yes sir.
Q Did you have a sister named Ida? A Yes sir.
Q And a sister named Eliza? A Yes,sir.
Q They are both dead now? A Yes sir.
Q They were your full sisters? A Yes sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q You are not on the 1880 roll? A No sir.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

Q Did you draw Cherokee strip money? A Yes sir.

The Kern-Clifton roll examined and the applicant identified thereon page 145, No. 3600, Cooweescoowee district.
The Wallace roll examined and the applicant identified thereon page 157, No. 2869, Cooweescoowee district.

Q You have no children; you have never married? Yes sir.
Q You have no children? A Yes sir.
Q How about applying for your children? A They are done applied for through their mother.

Commissioner : The applicant is identified on the Kern-Clifton and the Wallace rolls, but not upon the roll of 1880 or 1896. He states that he has lived in the Cherokee Nation all his life except his absence during the war in Kansas, and he appears to have been a slave of Chief Ross of the Cherokee Nation at the time the war came on. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and for evidence in his case , there will be filed herewith the evidence in the case of his father, Joe Ross, Cherokee Freedman Doubtful card D-642, and the same giving in full the status of the applicant's father and of his mother, the latter being deceased now some two months. When the final decision of the Commission is reached, it will be communicated to the applicant at his post office address.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed Bruce C. Jones

Sworn to and subscribed before me this 8th of June, 1901.

(Signed) T.B. Needles,
Commissioner.

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Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that same is a full, true and correct copy of the original transcript, now on file with the Commission.

Lucy M Bowman

Subscribed and sworn to before me this 28th day of December 1904.

Charles H. Lawyer
Notary Public.

COM

File with case of Nettie Powell, C.F.-D.#478.

Supl. order C.F.-D.#473.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 22d, 1901.

SUPPLEMENTAL ORDER in Case of Charles Williams, et al/, Cherokee Freedman doubtful card #473, for enrollment as Cherokee Freedmen:

Commissioner Needles: The representatives of the Cherokee Nation request that the testimony in D-548, case of Nelson Murrell, be made a part of the record in the case of Charles Williams, D-473, and D-475.

And that the testimony in case of Emma Powell, D-475, be made part of the record in case of Sarah Robinson, D-476, and Nettie Powell, D-478, and William Love, D-479.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.

F. D. 475.

File with Cherokee Freedman D- 478, Neatie Powell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 29,1902.

In the matter of the application of Emma Powell for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-475.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation..

DANIEL SANDERS, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Daniel Sanders.
Q Where do you live? A Big Creek.
Q How old are you, Mr. Sanders? A About 59 years old.
Q Are you a freedman? A Yes,sir.
Q Recognized Freedman? A Yes,sir.
Q Did you know Emma Powell? A Yes,sir.
Q Well did you know her father? A Yes,sir.
Q What was his name? A Ben Alberty.
Q When did you first become acquainted with him? A In the spring of '67.
Q Who did Ben belong to or do you know, just incidentally? A I don't know which one of the Albertys.
Q Well do you know what became of them during the war? A No, I don't know that.
Q Do you know when he first came back with his family after the war? A I saw him along about the first of April, '67; he was living on Snow Creek.
Q Well do you mean you saw them there in '67 on Snow Creek? A Yes, sir.
Q Well do you know how long they had been living there then; that's the first time you had seen them? A That's the first time I had seen them.
Q Well they had a place there and lived there? A Yes,sir.
Q Lived in a house? A Yes,sir.
Q Well now who was his family, what did his family consist of? A Well I think there were three or four children; I don't know just exactly.
Q How long did he live there? A Lived there till he died.
Q Well how long did that take? A Oh, I don't remember what year it was he died.
Q Well what became of Emma; was Emma, you say was his daughter; about how old was Emma at the time you first knew her? A She was a small girl.
Q What became of her? A She married a fellow by the name of Long.
Q Did she continue to live there? A Yes,sir, lived right there.
Q Who was Long; where did he live? A Over there on Snow Creek.
Q Did she afterwards- what became of Long, do you know? A I think he died.
Q Then who did she marry? A This man Powell.
Q And where did she continue to live? A Over on Snow Creek.
Q In the Cherokee Nation? A Yes,sir.
Q Do you know whether she is still alive or not, Tuck? A No,sir, she's dead.

Q When did she die? A I don't just really know; I never kept the dates of it; seven or eight months.
Q Has it been this year; in the last few months; or what is your recollection? A I never kept no account of it; I wasn't home when she died, and never kept no count of it.
Q Has she died since the Commission made its round about a year ago? A I think so.
Q Well what was there about the place where this man was living when you saw him in the spring of '67? A Why he had a log-house, you might say, a good-sized pole house, and a little field, and a horse lot and a cow lot.
Q Did he have any crop? A Yes,sir, he had a grain crop, about seven or eight acres of land up on Snow Creek.
MR. HASTINGS: Where were you going, Dan, when you saw him? A I was going to a little place called Claremore.
Q How long had you been in there yourself? A I had been there a good while.
Q How long had your mother and the women folks been there? A Quite a little while.
Q Do you remember them searching your wagons away up there near Fort Scott for Eli Mackey? A Nobody ever searched a wagon of mine.
Q Did they search anybody else along in your crowd? A Don't know anything of it.
Q Don't know anything about that? A No,sir.
Q You never heard of it before, did you? A Not until I have got here in the last day or two.
Q You have heard it around here the last day or two? A Yes,sir.
Q These colored fellows have been telling you? A I just heard that there was such a statement, but I never knew anything of it until now.
Q Then you heard of it the last day or two? A Yes,sir, I don't know who told me.
Q You never saw these parties until April of '67? A No,sir.

REUBEN SANDERS, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Reuben Sanders.
Q What's your postoffice, Mr. Sanders? A Centralia, I. T.
Q How old are you? A Well I generally guess at it, I don't know it
Q Well guess at it? A I am something near about 50.
Q Well are you acquainted with or were you acquainted with Emma Powell in her life time? A Yes,sir.
Q When did she die, Reuben? A She died last March.
Q March,1902? A Yes,sir.
Q This year? A 1902, yes,sir.
Q Did you know her father? A Yes,sir.
Q What was his name? A Ben Alberty.
Q Where did he live? A He lived on Snow Creek.
Q When did you first know of him on Snow Creek, first see him on Snow Creek after the War? A It was along in the spring of '67, when I first seen him after the war.
Q Was that the first time you saw him at all anywhere in the Cherokee Nation after the war? A Yes,sir, it was the first time I saw him in the Cherokee Nation after the war, but the first time I saw him it was along in the last part of '65 or '66.
Q Well where was he then? A He was then- I and his children was going to school together, we lived in about something like 25 or 50

Yards apart in Fort Scott, Kansas, and he come there and got his children; come in here for the Nation.
Q Well when you was down to his place in the summer of '67 did he have his family there? A Yes,sir, he and his children were living there.
Q Well who were his children? A Emma, and one they called Charlotte, and another one they called Ben, and one they called Bill, and the other ones I don't recollect their names.
Q What became of Emma? A She died.
Q This Emma Powell is the one that died recently? A Yes,sir.
Q Did she grow up there? A Yes,sir, she grew up on Snow Creek.
Q In the Cherokee Nation? A Yes,sir.
Q Who did she marry? A Married this gentleman by the name of Powell; he wasn't her first husband though.
Q Well who was Charlotte; what became of Charlotte? A She was a sister or half sister.
Q She was Emma's sister? A Yes,sir.
Q She one of Ben's children? A Well I didn't know whether she was or not, but it was my impression that she was; I didn't, never did know.
Q Well did she grow up there in the country too? A Yes,sir, she grew up there in the country.
Q In the Cherokee Nation? A Yes,sir.
Q Did she marry? A Yes,sir.
Q Who did she marry? A The first man that she married was Dawson.
Q Who? A Dawson, and the next one to my knowledge was French.
Q What became of Dawson, did he die? A Yes,sir.
Q What French was it she married? A Wash.
Q Wash French? A Yes,sir.
Q Well where does she live now, she and Wash? A She lives on the Verdigris
Q Well where is that, in the Cherokee Nation? A In the Cherokee Nation.
Q What did that man, Ben Alberty, have down there where you saw him in '67; did he have a place? A Yes,sir, he had a pole house, a house made out of poles, and he had a little field, and lived on the north west of Snow Creek, on the yon side, and he had a little field north of the house, and he had, of course he was poorly fixed at that time, he slept in his house in a drygoods box and some hay and had some quilts.
Q Have any crop? A Sir?
Q Did he have any crop there? A He had a little corn, wasn't very large.

MR. HASTINGS: You testified twice in the Elizabeth Meigs case didn't you? You testified and then you wasn't satisfied with your testimony, and you made another statement, didn't you?

MR. SMITH: That is objected to because it has no reference to this case and does not tend to prove any issue in this case.

COMMISSION: Let him answer the question.

Witness: Yes,sir, I testified.

MR. HASTINGS: You testified first that you came back to this country about the last of January '67, and then you thought you had made a mistake, and went back and testified that you came back the middle of January of '67? A Here's what I stated at that time; that was my impression, and the reason why I correct my mistake was that I said I come here in January, '66.
Q January of '66? A Yes,sir, that was what I was intending to correct. I said we moved here in January,'66, that was my intention. that was my reason why I asked to correct my statement.
Q Well did you want to correct it to January of '67? A You see we

taken our claims in August,'66.
Q And when did you move here? A In January. January '66 was before August of '66.
Q Well when did you move here? A Well in my statement I said-
Q Well I am not talking about your statement. A In my statement I said when I first started we moved here--
Q When did you move your family? A I told you we come three times.
Q Tell me when you moved your family here; answer that question?
A I said along '67, moved them January,'67.
Q That's when the women came along? A The women came along, and I first told you the women came along.
Q Did you say that in the Elizabeth Meigs case? A I didn't tell it in the Elizabeth Meigs case, that is at that time.
Q Didn't you testify that you brought your families along with you, that you came here in January of '67? A I said that's when Elizabeth Meigs moved, when Elizabeth Meigs moved, but I didn't say that we didn't have no women when I come in August.
Q You didn't? A No,sir, I didn't.
Q Well didn't you swear that at that time that they were searching parties out searching for Eli Mackey, who had killed a man by the name of Hayford? A Yes,sir, I made some statement in regards to that.
Q Well they were searching your wagon? A I don't know as they searched our wagon particularly.
Q Well weren't there searching parties out? A I didn't make the statement that they searched our wagon.
Q Didn't make any statement that they searched your wagon; well there were searching parties out for Eli Mackey at that time, wasn't there? A Does that have anything to do with this case?
Q Answer the question. A There was searching parties out for Eli Mackey at some time, I recollect.
Q That was when you was coming down here, wasn't it? A Well that may have been when we were coming down.
Q Well you know that there was searching parties out for Eli Mackey?
A Yes,sir.
Q The man that killed Hayford; where did this searching party overtake you people?
MR. SMITH: I object to that because there are two questions.
Witness: I don't know which one to answer. The searching parties overtook us in the Nation.
MR. HASTINGS: Where? A Down here across on Big Creek, near about.
Q Near about Big Creek? A Yes,sir.
Q Was your brother Dan Sanders along? A Yes,sir, he was along.
Q Your father was along? A Yes,sir.
Q About how many people were along in that party that come along and searched? A I told you in my statement that I didn't know the people that came along in that party.
Q About how many was there along in the searching party, the people that were looking for Eli Mackey? A There was only one man.
Q There was only one man? A Yes,sir, one man that I know of.
Q Only one man? A Yes,sir, that said he was searching.
Q Said he was searching? A That's what we thought as least.
Q How many people were along with you at that time? A I told you in my statement that I didn't know just how many people was along with us at that time.
Q Well now was it after this that you saw this Ben Alberty up on Snow Creek? A Yes,sir, it was in '67 when I saw Ben Alberty on Snow Creek.

Q You never saw him in the Cherokee Nation until '67? A No, sir.
Q Well now how long after this searching party was it till you saw Ben Alberty? A It was along in the spring, I said when I came down here in the spring of '67.
Q About how many months after this that you moved down now, and that this searching party was along, until you saw Ben Alberty?
A I don't know just how many months.
Q Well about how many, your best judgment? A My judgment was along in about April when we saw Ben Alberty.
Q I want to know how many months after you moved down here with that crowd of people; that's what I am trying to get from you?
MR. SMITH: I object to that because it is already answered.
COMMISSION: Answer his question again if you can.
Witness: I answered your question when I told you it was along near about April when I saw Mr. Alberty.
MR. HASTINGS: That ain't the kind of an answer I want; I want to know how long after you came down with your family it was till you saw Ben Alberty? A I say it was along in about April.
Q Well was it one month, two months or four months?
COMMISSION: Do you know how long after it was; have you any idea how long it was.
Witness: April made at least--
COMMISSION: Just tell him to the best of your knowledge.
Witness: Well that would have been near about two months.
MR. HASTINGS: Near about two months? A Near about that, yes, sir.
Q Well then you were here about the first of March, were you, and you saw him in April, is that correct? A That wouldn't be correct according to the way you have got it.
Q Well according to the way now that you want it how was it? A The way I want it I say it was along in April when I saw Uncle Ben.
Q Well now you say that was about two months after you come? A About two months after I come? I say we come down in January.
Q Well about how long was it then after you come till you saw Uncle Ben? A Be January and February and March and April would have been something near about two months.
Q About two months? A Yes, sir, a little over two months maybe, the way I have got it, along in April, that's the way I have got it.
Q What time in April was it you saw him up there? A Well, just the day of the month I never put it down.
Q How old are you? A I haven't got that down either.
Q Well, don't you have any idea? A Well I stated a while ago that I was near about fifty. Uncle Ben had a field north of his house and had some logs, had built a log house.
Q You was very clear when you was being examined in the Elizabeth Meigs case, and you volunteered yourself to tell about this searching party, weren't you; haven't you been talking to the people since you have been here? A No, sir.
Q None of them told you? A Ask them, some of them, ask them.
Q Have you, you are under oath now? A These people ain't talked to me about it.
COMMISSION: Answer his question.
Witness: No, sir, they ain't.
MR. HASTINGS: You never heard nothing said, did you? A No, sir.
Q You come with your brother Dan? A When?
Q When you came down here? A No, sir.
Q You didn't come with him? A No, sir.
Q Been with him any since you have been here? A Yes, sir, I have been with him a little.
MR. SMITH: Reuben, You have been called on to testify for the

Cherokee Nation in about as many applications against as many applicants as you have for them, haven't you? A Yes,sir, I have.

MR. HASTINGS: And the Cherokee Nation tried to get you here as a witness the other day and paid your fare to get you to come down here and you refused to do it didn't you? A They didn't pay my fare.

Q Didn't they offer you the money? A No,sir, they didn't offer.

Q Didn't they serve a subpoena too? A No,sir, they never offered me no money.

Q And you wouldn't come would you? A Why you didn't give me the money to come on.

Q Well did you come? A Yes,sir, I come.

Q In obedience to that subpoena? A I am here now.

Q Were you subpoenaed to be here today by the Cherokee Nation? A I guess I was subpoenaed to be here today by the Cherokee Nation.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: Frank Love, D-879, John Baldridge, Jr., D-480, William Love, D-479, Nettie Powell, D-478, and in the case of Sarah Robinson, D-476, also in the case of Charlotte French, D-1012, as well as in the case at bar, the same being that of Emma Powell, No. D-475.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 11th day of July,1902.

P. G. Reuter,
Notary Public.

SEAL.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this 21st day of August,1902.

B. O. Jones
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Nettie Powell, D 478;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

(C O P Y)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Esau Fox, et al., for enrollment as Cherokee Freedmen, consolidating the applications of:

Esau Fox, et al.,	Cherokee Freedmen D 508,
Tobe Looney,	Cherokee Freedmen D 512,
Eli a Looney,	Cherokee Freedmen D 537
Frank Looney	Cherokee Freedmen D 538
Joe Ross et al.,	Cherokee Freedmen D 542
Phillis Alexander, et al.,	Cherokee Freedmen D 544
Nelson Murrell, et al	Cherokee Freedmen D 548
Lewis Ross,	Cherokee Freedmen D 549
Allen Looney, et al.,	Cherokee Freedmen D 551
Jake Looney, et al.,	Cherokee Freedmen D 573
David Ross, et al.,	Cherokee Freedmen D 799
Steve Looney et al.,	Cherokee Freedmen D 519,
Chaney Ross,	Cherokee Freedmen D 547
Emma Brown, et al.	Cherokee Freedmen D 547
Maggie Willis, et al.,	Cherokee Freedmen D 936

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission as follows, by Esau Fox for himself, his wife, Nancy, and his minor children, Ollie Fox (now Ollie Gibson), Joe Fox, Arthur Fox, Hattie Fox, Euthie Fox and Mary Fox. A Marriage license and certificate having been filed with the Commission subsequent to said application showing the marriage of said Ollie Fox to one Posey Gibson, she willl now be listed for enrollment as Ollie Gibson. Subsequent to said application, an affidavit was filed showing the birth of Leever Gibson, minor child of Ollie Gibson, and the same is made a part of the record herein. By Emily Looney for her husband, Tobe Looney, as a Cherokee Freedman, and for herself as a Cherokee Freedman by intermarriage. By Eliza Looney for herself and her husband, Frank Looney. By Joe Ross for himself and his two grandsons, Irving G. Looney and John Shadd. By Phillis Alexander for herself and her four minor children, Luther J., Vessie, Ezra and Ermer Alexander. By Nelson Murrell for himself and his wife, Flora Murrell. By Lewis Ross for himself. By Allen Looney for himself and his two minor children, Alice and Bert Looney. By Jake Looney for himself as a Cherokee freedman, and for his wife, Freddie Looney, as a Cherokee freedman by intermarriage. By David Ross for himself and his minor children, Joseph, Harry, Herbert, Vernie, Nelson, Alva and John H. Ross as Cherokee freedmen , and for his wife, Mary Ross, as a Cherokee freedman by intermarriage. By Steve Looney for himself and his wife , Peggy Looney. By Chaney Ross for herself. By Emma Brown for herself and her minor son, Steve Willis. By Maggie Willis for herself and her minor son, Lloyd Willis. The status of persons applying for enrollment as Cherokee freedmen by intermarriage not being fixed at this time, the applications for the enrollment of Emily Looney, Freddie Looney and Mary Ross as such, will not be considered or passed upon in this

decision. Copies of the testimony taken at various times in the matter of the applications of Daniel Thompson, et al., Rufus Ross Elizabeth Meigs, Samuel Beck and Emma McAwee, et al., have been filed herewith and are made a part of the record herein.

The evidence shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross, claim for themselves as former slaves of Cherokee citizens, the right to enrollment, and for the above named children and grandchildren, including in their respective applications, as their descendants; that Eliza Looney is a descendant of said Esau and Nancy Fox; that Frank Looney and Jake Looney are the descendants of Tobe Looney; that Phillis Alexander and her minor children are the descendants of said Joe Ross; that Emma Brown and Maggie Willis, together with their children, are the descendants of said Chaney Ross. All of said applicants, claiming by descent, were born since the commencement of the rebellion, and it is not shown that they have any rights as Cherokee freedmen, other than as such descendants.

The evidence further shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney, Peggy Looney and Chaney Ross, were slaves of Cherokee citizens at the commencement of the rebellion; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion and did not return thereto and take up their residence therein, until after February 11, 1867. None of the applicants herein are identified on the 1880 authenticated Cherokee roll.

The evidence further shows that Flora Murrell was residing in the Cherokee Nation at the date of the making of the Cherokee treaty of 1866, and has continued to reside therein from that time, up to and including the date of her application herein.

It is, therefore, the opinion of this Commission that Flora Murrell should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats. 495); and that the applications for the enrollment of Esau Fox, Nancy Fox, Ollie Gibson, nee Fox, Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox, Mary Fox, LeeverGibson, Tobe Looney, Eliza Looney, Frank Looney, Joe Ross, Irving G. Looney, John Shadd, Phillis Alexander, Luther J. Alexander, Vessie Alexander, Ezra Alexander, Ermer Alexander, Nelson Murrell, Lewis Ross, Allen Looney, Alice Looney, Bert Looney, Jake Looney, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Vernie Ross, Nelson Ross, Alva Ross, John H. Ross, Steve Looney, Peggy Looney, Chaney Ross, Emma Brown, Steve Willis, Maggie Willis and Lloyd Willis as Cherokee freedmen, should be denied, under the provisions of section twenty-one of said act of Congress and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman

" " T.B. Needles,
Commissioner

" " C.R. Breckinridge
Commissioner

" " W.E Stanley
Commissioner

Dated at Muskogee, Indian Territory

this March 5, 1904.

D

Cherokee Freedman 1012

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, DECEMBER 23RD, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Charlotte French, as a Cherokee Freedman.

It appears from the record herein that on December 1, 1904, the applicant, Charlotte French, was notified by register letter and on the 3rd day of December, 1904, the attorneys for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 23, 1904, and introduce testimony touching the applicants right to enroll, at which time this case will be taken up for final hearing, On this 22nd day of December, 1904, the applicant appeared by her attorneys, Blue & Bulger, the Cherokee Nation by its attorneys Bell, Hastings & Davenport.

Aaron Whitmire being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Aaron Whitmire.
Q How old are you? A 69.
Q What is your postoffice? A Coody's Bluff, Indian Territory.
Q How far is Coody's Bluff from the Verdegris River?
A Half a mile.
Q How far do you live from Lightening Creek? A I live three miles from Lightening Creek.
Q What direction? A West.
Q Do you live in the Coowescoowee District? A Yes, sir.
Q How far north of Chelsea do you live? A About four miles.
Q Have you lived in that vicinity ever since you came there after the war? A Yes, sir.
Q Are you living on the same place you originally settled? A Yes right on the same place.
Q How far is Big Creek from where you live? A Well it is about eight miles.
Q Does Big Creek flow into the Verdegris River? A Yes, sir.
Q And about eight miles from where you live? A No, it haint that far, the water flows in the river about four miles from where I live.
Q What direction is it from where it flows in the Verdegris River?
A Northwest.
Q Does Snow Creek empty in the Verdegris River north of where you live? A Yes, sir.
Q Between where you live and the Kansas line? A Yes, sir.
Q There are at present a great many colored people living on the Verdegris River, Big Creek and Snow Creek? A There are a great many living there.

Q Were you a slave before the war? A Yes, sir.
Q Where did you live? A I lived in Goingsnake.
Q Are you a brother of Louis Whitmire? A Yes, sir.
Q Are you a brother of Mose Whitmire? A Yes, sir.
Q You knew them of course before the war? A Yes, sir before the war.
Q Did you know them and were with them during the war? A Yes sir
Q Where did you go during the war? A I went to Fort Scott, Kansas.
Q Were you in the army? A I wasn't exactly in the army, I was working for the government though blacksmithing.
Q Did your other brothers also work in the army? A They drove teams.
Q Did you know old Sam and young Sam Webber before the war?
A I knew the old man before the war.
Q When did you get acquainted with young Sam? A In time of the war.
Q In the state of Kansas? A Yes, sir.
Q Did you know Mike, Sam, Ruben and Dan Sanders? A Yes, sir.
Q Did you know them during the war? A Yes, sir.
Q Where? A Fort Scott, Kansas.
Q Well at the time the war closed where were you and all of these other parties, including your brothers, Sanders and the Webbers when the war closed? A Fort Scott, Kansas.
Q You are a recognized and enrolled Cherokee Freedman, are you not? A Yes, sir.
Q When did you make the first trip to the Cherokee Nation after the close of the war? A I made the first trip in August, 1866.
Q In August, 1866? A Yes, sir.
Q Well now who came along with you in August, 1866? A Well the old man Sanders.
Q What was Sander's name? A Mike Sanders.
Q Was he the father of Ruben and Dan? A Yes, sir.
Q Who else came with you? A Old man Webber, old man Sam Webber, old man Billie Foreman, Peter Meigs, Mose Whitmire, Nelson Whitmire, Louis Whitmire and Dennis Whitmire.
Q Where did you go? A We come to Big Creek.
Q How long did you stay on Big Creek? A We stayed there two or three weeks, I don't just recollect, I don't know how long, some two or three weeks.
Q Did any women or children come with you at all on that first trip? A No, sir.
Q Where did you go down Kansas and enter the Territory, at what point? A We come right to Oswego and out to where Chetopa is now and turned west and went to Big Creek.
Q And then come down Big Creek? A Yes, sir.
Q Was there a single house anywhere in the Cherokee Nation along Big Creek at that time? A There wasn't Mary one for a mile on Big Creek.
Q Was there anyone living on Big Creek in the Cherokee Nation at that time? A No, sir.
Q Was anybody living on Snow Creek at that time? A No, sir.
Q Did you see anybody living on the Verdigris river at that time?
A Yes there was somebody living along the river, along the Verdigris
Q Who? A Old man Riley.
Q Was he a Cherokee? A He was a Cherokee, and Carter, he was a Cherokee and John Coker, he was a Cherokee.

Q Well were there any colored people on the Verdigris river at that time? A No, not that I seen.
Q You stayed around then in that country some two or three weeks? A Yes, sir.
Q Well what did you do then? A We went back to Fort Scott.
Q That was the first trip that was made by any of the colored people up there, so far as you know, to the Cherokee Nation after the war? A Yes, sir.
Q That was what was said at the time? A I knew that was what they said, there may have been a few come before that and went the other way by Granville.
Q Well now when was the second trip made. A That was made in December sometime.
Q Of 1866? A Yes.
Q Now who come with you on the second trip? A Ransom Daniels, Solomon Foster, Di ck Whitmire.
Q Was that old man Dick Whitmire? A Yes sir, and Sam Beck.
Q Were there any Creeks or Choctaws? A Some Creeks and Choctaws.
Q What became of them? A They went on down.
Q Into their own country? A Yes, sir.
Q Well did you go over practically the same country the second trip that you did over the first? A We didn't go over all the same country, we went over some of it, we done a little work.
Q Well at that time were there any colored people living in any of that part of the country known as Big Creek and Snow Creek country and the Verdegris River? A No, sir.
Q What work did you do in August, 1866? A Put up some houses.
Q Just put up the logs? A Yes, sir.
Q What didyou cover them with? A We covered two or three of them, two I believe.
Q Covered you think about two of them? A Yes, sir.
Q But the rest were just the bodies of the houses? A Yes, sir.
Q You didn't put in any fields at that time? A No, sir.
Q Well when you came back in December you come to these same places where you had started your claims before? A Yes, sir.
Q Well how long did you stay there in December, '66? A I stayed there about four days.
Q Where did you go then? A I come to Fort Gibson from there.
Q Where did you go from Fort Gibson? A Goingsnake.
Q What became of those who were with you? A They went back to Fort Scott, Kansas.
Q After going to Goingsnake did you return to Kansas or Fort Gibson? A Yes, sir.
Q About what time of the year did you go back to Kansas? A It was near Christmas time, I don't just recollect what time.
Q Do you remember of the circumstances of Dyer Hayford being killed? A Yes, sir.
Q Did you know Hayford? A Yes, sir.
Q Where were you when he was killed? A Fort Gibson or Tahlequah.
Q On this second trip? A Yes, sir.
Q He was killed when you returned? A Yes, sir.
Q Did you know Eli Mackey, a colored fellow, who killed him? A Yes, sir.
Q Now did any women or children go with you to the Cherokee Nation on this second trip? A No, sir, none at all.
Q Well when did you return to the Cherokee Nation finally the third time? A It must have been in March sometime.
Q The following March of '67? A Yes, Sir.

Q Well who came with you that time? A Well Sanders, old man Sanders, Mike Sanders, Peter Weigs, Billie Foreman, Tuck Sanders Ruben Sanders.
Q Well did Louis Whitmire come with you that time? A No, he didn't go that time.
Q Where was he? A Fort Scott.
Q Did Dennis come that time? A No, sir.
Q Did this preacher, Joe Ross, come that time? A No, sir.
Q Well did Sam Webber come that time? A No, Sam didn't go.
Q Well how long after you come before Sam moved down here?
A A couple of weeks I guess, maybe not quite so long, a short time.
Q Do you remember the circumstances as you were leaving to come here about Eli Mackey going to jail for the murder of Dyer Hayworth and there being considerable excitment when you passed throug
A Yes, sir.
Q Were the Sanders boys along on that trip? A Yes, sir.
Q And you say now that Sam Webber didn't bring his family when you came but a couple of weeks after? A Yes, sir.
Q Well now when you did move your families down to where you located were there any colored people living in that part of the country? A None that I know of.
Q Were there any on the Verdegris River or the Lightening Creek country or Snow Creek or Big Creek country? A None that I ever heard of or seen and I traveled a good deal through the country.
Q Where did you do your trading when you first came from Oswego?
A At Old Parker some.
Q Now in order to go to Oswego you had to go from your place north up from Big Creek and Snow Creek country? A Yes, sir had to go north.
Q There were no fields there in '66? A None at all.
Q Wasn't no corn planted or crops raised that year? A No, sir.
Q Did you plant some crops in '67? A Yes, sir. We had crops in '67.
Q But before that none were put in by the colored people at all?
A Not that I know of.
Q Well do you know Ben Alberty? A Yes sir, I knew Ben before the war.
Q Did you know him after the war? A I never seen him but once after the war that I know of.
Q Well did you know before the war that he located on the mouth of Snow Creek? A Yes I knew about the place.
Q Well was he living there when you moved down here in March of '67? A No, sir.
Q Well now how long after that that Ben Alberty moved down in the Cherokee Nation? A It must have been sometime in '68, nearly '69 somewheres along there.
Q And you know he wasn't there when you first moved? A Yes, sir. He wasn't there.
Q You know John Landrum? A Yes, sir. I know Jack Landrum.
Q Well now when did Jack move his family down here? A Well I don't recollect just what time Jack did move there;
Q It was after you moved there? A Yes, sir.
Q He wasn't living there in '66? A No, sir.
Q Did you know him in Kansas? A No, I never saw Jack in Kansas at all.
Q Did he mary some relation of yours? A Yes a sister.
Q Were they married in Kansas or in this country? A In Kansas.
Q After the war? A Yes, sir.
Q Were they married when you left there with your family?
A Before that, before I left.

Q But he didn't move down with his wife until after you came down?
A No, sir.
Q How long was it after you moved down the third time until Jack came? A It must have been in '68, somewheres along there when they come to where I lived.
Q Well how far did they settle from you? A About three miles.
Q Then there was no women or children come on any of these trips until you moved down in March '67? A No, sir not until we moved.
Q You are the same man who is known as Aaron Whitmire who testified before the Chambers Court in '78? A Yes, sir.
Q And Louis Whitmire and Moses Whitmire who were admitted to that court were your brothers? A Yes, sir.
Q You at that time had for your witnesses Blue Alberty, William McCracken and others, did you not? A Yes, sir.
Q You stated in your application at that time, and your witnesses stated for you the same facts that you stated here, to-wit; that you returned with your family and moved down here in the spring of '67? A Yes, sir.
Q That is all true, is it not? A Yes, sir, that is the truth.
Q Well now Sam Webber never moved down here until the spring of 1867? A No, sir.
Q And young Sam didn't come with his father in August, 1866?
A Yes he come in '66 with his father.
Q Did he go back? A He went back, yes sir.
Q Did he come back in December, 1866? A I don't recollect now whether young Sam was along in December or not.
Q But you remember distinctly that he moved down here some two or three weeks after you did? A Yes, sir.
Q How far did the Webbers settle from you when they came down in the spring of '67? A It is about six or seven miles from where I live.
Q You knew them well did you? A Yes, sir.
Q Had you seen them in Kansas before the war and before you moved down here? A Yes, sir.
Q About how far did they live from you in Kansas? A About 20 miles I think.
Q Did you live in the town of Fort Scott? A Yes, sir, I worked there in town.
Q Blacksmithing? A Yes, sir.
Q I believe that you stated that you knew Dyer Hayford, what was his business? A He had a grocery store and sold groceries.
Q Did you buy goods from him? A Yes, sir.
Q You stated that you know Eli Mackey? A Yes, sir.
Q William McCracken says he met you in December, 1866, in December, before the Chambers court, did you meet him that year?
A Yes, sir.
Q Were your brothers with you? A No, they wasn't with me then, I left them on the Verdegris River, I met McCracken down at Fort Gibson.
Q Did you tell him where you were going? A Yes, sir.
Q What did you say? A Told him I was going to Goingsnake.
Q As I understand you you went to Goingsnake by the way of Tahlequah and came back by the way of Fort Gibson and then went to Kansas and got back to Kansas sometimes during Christmas week?
A Yes, sir.
Q Which was after Hayford was killed? A That was after Hayford was killed.

BY THE COMMISSION:
Q During the war Mr. Whitmire, you colored people settled in Fort Scott in the same neighborhood, did you? A Not exactly

Q Well you knew one another quite well? A Yes, we knew one another.
Q Refugees from the territory who had gone out during the war?
A Yes, sir.
Q You were acquainted reasonably well were you not, with all of the parties who came down in that first crowd in August of '66?
A Well yes sir.
Q You knew all the parties in that crowd? A Yes sir.
Did you give all the names of those you can remember in reponse to Mr. Hasting's questions? A All I can remember, yes sir.
Q What was your purpose in coming that first trip, Mr. Whitmire
A Come to make homes.
Q You come down to build some houses? A Yes, sir.
Q How did you go to the territory, wagons or horseback?
A Come in wagons.
Q What kind of teams did you have? A Some had mules, some horses and some oxen.
Q Did you have a family at that time? A Yes, sir.
Q A wife and some children? A Yes, sir.
Q But you left them in Fort Scott? A Yes, sir.
Q It was the understanding, was it, that you people were to come here and start some houses before going back to Kansas for your families? A Yes, sir.
Q Who did your cooking on that trip? A Well the boys done the cooking.
Q Did you bring along any women at that time to do the cooking?
A No, sir.
Q You are positive that there were no women at all in this crowd, are you? A No women that I recollect and no children.
Q Well you would have remembered it, wouldn't you? A Yes, sir, I think so.
Q It was a pretty wild country here at that time? A It was a wild country, yes sir.
Q Well now when you came down in December the second time for what purpose did you come? A We come down to work on our places.
Q You left your family at Fort Scott on your second trip?
A Yes, sir.
Q Were there any women in that crowd who came down in '66?
A No, sir.
Q There werr none? A None.
Q How did you come the second trip? A In wagons.
Q At that time, in the fall of '66, did you have some brothers and sisters? A Yes, sir.
Q All of your brothers came with you in the fall of '66?
A Moses, Louis, Dennis and Nelson.
Q Did you have some sisters living at that time? A Yes, sir.
Q What were their names? A The oldest was Marish, Polly Ann, Mary Ellen.
Q Where did you leave them on your first and second trips to the Cherokee Nation? A I left Marish at Lawrence and Polly Ann at Fort Scott with her brother Dennis and I don't know where Mary Ellen was.
Q Did your sister, Polly Ann, come with you when you come in the spring of '67? A No, she came with her brother Dennis.
Q How long after you came until Polly Ann came with Dennis.
A About two or three weeks as near as I can recollect.

Q That was the first time, was it Mr. Whitmire, that Polly Ann had been in the Cherokee Nation after the war, so far as you knew? A Yes, sir, Polly Ann was a girl then staying with her brother Dennis, she wasn't of age, she was staying with Dennis and living with him.
Q And she didn't come with Dennis in the fall of '66? A No she didn't come with Dennis when he come before.
Q She stayed with his family in the town of Fort Scott, Kansas.
A Yes, sir.
Q Was little Sam Webber married when he come down here with his father in '66? A Yes, sir.
Q Where was his wife? A She was in Kansas.
Q Was there any woman come with little Sam Webber when he come on either of those trips in '66? A No, sir.
Q Well Mr. Whitmire, if any woman claims to have come down here in August or December, 1866 with this detachment of which you were a member, she is mistaken? A Yes, sir, she is mistaken.
Q You are positive that there were no women or children on either of these trips? A Yes, sir.
Q You were a grown man then weren't you? A Yes, sir.
Q And you are an intelligent fellow who would remember, wouldn't you, Mr. Whitmire? A Yes, sir.
Q And you remember that no women or children came with you on either of these trips? A No, sir, not one.
Q You have been acquainted with all these parties since your removal to the Cherokee Nation, have you Mr. Whitmire? A Yes, sir
Q Known where they have lived and all about them? A Yes, sir.

BY MR. HASTINGS:
Q Wasn't it a fact that the Chambers Court admitted all of you people who made this first and second trip here to the Cherokee Nation that applied to the Chambers Court and introduced this testimony? A Yes, sir.
Q The Cherokee Nation or its authorities never did deny you did they? A No sir, never did.

BY MR. BURGER:
Q Mr. Whitmire when you started from Fort Scott to the Cherokee Nation what road did you take? A I come right down by Lightening Creek, what is called Lightening Creek, crossed over at Oswego and come down by Sapulpa and there we turned west and went over to the head of Big Creek.
Q How far down Big Creek did you go and where did you settle?
A We come down I guess eight or ten miles from the head to where we live.
Q Did you go north of where Centralia now is? A No, sir went west of where Centralia now is.
Q Well did you settle on Big Creek? A No, on Salt Creek, that is below Big Creek.
Q Which direction did you settle from Newata? A Southeast, pretty nigh east.
Q Were you on Snow Creek, did you go down Snow Creek during that first trip? A No, sir.
Q Were you on Snow Creek? A I have been on Snow Creek.
Q How long were you there about four weeks? A No, not that long, not then.
Q Do you know whether or not anyone lived on Snow Creek? A No-one that I know of.
Q How do you know if you wasn't there? A I was there, but I didn't see anybody on Snow Creek or anybody living there.

Q When in August, '66? A Yes, sir, after that.
Q Where were you going when you passed Snow Creek? A By old Tahlequah and different places there, Westralia.
Q Did you have to go by Snow Creek to go by Westralia?
A Yes sir, it was an old trading post up there near old Tahlequah, east of Tahlequah on Pumpkin Creek.
Q How far was Westralia from where you was building those houses?
A About twenty miles.
Q Which direction? A East.
Q Which side of Big Creek is Westralia on? A On the west side of Big Creek.
Q Which side of Snow Creek? A On the west side of Snow Creek.
Q Which side of the Verdegris? A On the east side of the Verdegris.
Q Where were you going when you went through Westralia? A Going to old Tahlequah, I had started to different places up there going to Westralia to trade sometimes during the past.
Q Then when you come to the Cherokee Nation that time you started at the head of Big Creek, went south down seven or eight miles where it runs into the Verdegris? A Yes sir, all the way from the head of Big Creek to where it runs into the Verdegris.
Q And settled on the southeast side of Big Creek where it turns around there into the Verdegris? A Yes, sir.
Q And there you built some houses? A Yes, sir, our houses was on Salt Creek about four miles from the mouth of Big Creek where it empties into the Verdegris.
Q When did you build there? A In '67.
Q Then where was it that this crowd that came in August of '66 built their houses? A They built them on Big Creek. It was about six or eight miles above where I live.
Q Did you find your location where you built some houses in '66?
A Yes, sir.
Q But you didn't erect any buildings there until '67? A No, sir.
Q Who built those houses in that first '66 settlement? A Sam Webber built one, old man Webber and old man Mike Sanders and old man Meigs.
Q Did you have to cut trees down and hew these logs out? A We cut the logs down and hewed them out.
Q What did you cover these houses with? A Boards.
Q Where did you got the lumber? A It wasn't lumber boards, it was clab boards.
Q You was there four weeks? A Yes, sir.
Q You came to the Cherokee Nation, built these houses and went back to Fort Scott, when did you go back to Fort Scott? A I don't recollect just exactly what time I did get back on the first trip, I don't recollect.
Q How long did you stay down in the Cherokee Nation when you were down here? A Two weeks that time.
Q The first time? A Yes, sir.
Q During these weeks you built several houses? A Yes, sir.
Q Visited around different settlements on Snow Creek? A There wasn't no settlements that we looked around, we saw the country.
Q What was your idea in looking at the country when you had located and built your houses? A We wanted to see if there was any place better.
Q Moved your houses would you? A The houses were just some logs and we could have got more if we had found a better location.
Q Well then you returned to the Cherokee Nation in December?
A Yes, sir.
Q What way did you come that time, what road? A We come pretty nigh the same road as we come the first time, by Lightening Creek.
Q Came down by Lightening Creek? A Yes, sir.

Q Came down by Big Creek? A Yes, sir, Big Creek.
Q Stayed right close to the river? A Come to where we started our buildings.
Q Did you stay down in the bottom along Big Creek? A Yes, sir, we come along the bottom
Q Now Mr. Whitmire, in August when you folks come down there, did you stay in the bottoms or get out on the grass? A No, we didn't exactly stay in the bottoms, we would go out on the prairie and look around.
Q Wasn't there great high grass in the bottoms that time and made it difficult to travel through? A Yes, sir, there was grass there.
Q Wasn't the grass a little short on the prairie? A Yes, sir.
Q And for that reason you stayed out of the bottoms on the way down? A No, we went in the bottoms.
Q You didn't travel down in those bottoms all the time did you? A No, sir.
Q You didn't travel in that big grass did you? A Yes, sir in places.
Q What did you have, wagons? A Wagons and teams.
Q What kind of horses did you have? A Some mules, some horses and some oxen.
Q But now what was your object in traveling in that high grass that big blue stem, instead of going on the prairie? A It was a good place, that was the object, if you was looking for a location you wouldn't go out on the prairie to hunt it.
Q Did you know where you was going when you left Fort Scott? A Yes, sir.
Q You had been in that country before the war? A No, I never was in it until after the war.
Q Were there any other crowds of Freedmen that come out from Fort Scott after August 1866, before you came in December? A Why, I don't know that.
Q You don't know? A No, sir.
Q Did Bill McCracken and Levi Dougherty and those fellows live in that country in those days? A No, sir.
Q Did you ever see them there? A I never seen them there, Bill McCracken lived on Flat River and Eli lived on Pryor Creek.
Q Where did Blue Alberty live? A On Pryor Creek.
Q When you came down in December, 1866, how long did you remain in the Big Creek country? A Four days.
Q Then where did you go? A Fort Gibson. Up to Goingsnake and then to Tahlequah.
Q And returned the same way? A I returned the same way.
Q What time did you go to Fort Scott? A About Christmas time.
Q How were you traveling those times? A Teams.
Q How long did you stay in the Goingsnake neighborhood? A Two weeks and stopped at Tahlequah three or four days.
Q Did you stop any length of time at Fort Gibson? A Four days, I think, maybe longer, I don't know exactly, four days or a week.
Q You left Fort Scott in December? A Yes sir.
Q Returned sometime during Christmas holiday week, between Christmas and New Years? A Yes, sir.
Q Stayed four days in Indian Territory? A Three or four days in Gibson.
Q Stayed a couple of days in Tahlequah and Goingsnake? A A couple of weeks.
Q Stayed a couple of week in Tahlequah and Goingsnake and got back there about the first day of January? A I don't know whether the first day, I guess it was about the first.

BY MR. HASTINGS:
Q How long after you come the last time before Louis moved down, your brother Louis? A I guess it was two or three weeks, I don't recollect just exactly.
Q But even at the time you moved there were no families at that time living anywhere in the section of the country? A None at all, Old man Riley the closest that I knew and I lived four miles from him.
Q In the Cherokee Nation? A Yes, sir.
Q Well I meant when I asked the question there were no colored people? A No.
Q You were the first people? A First ones that I know of.
Q And you come down some two weeks before the Webbers moved there.
A Yes, sir.
Q And the Sanders family came with you? A Yes, sir, Sanders and Weigs.
Q Did they live about Fort Scott? A Yes, sir. Sanders lived there and Weigs lived there.

BY MR. BULGER:
Q Now Mr. Whitmire when you came down in December did you go directly to your places that you had located in August? A Yes.
Q Didn't scout around over the country like you did in August?
A No, sir.
Q Did you know of anybody who lived in the Snow Creek country or up in the Big Creek country, except in that immediate neighborhood where you went? A I didn't know for certain.
Q Now when you were on this trip to Geingsnake, how did you go?
A Wagon and two mules.
Q You say Little Sam Webber came with you in August? A Yes, sir.
Q And he was married before th s? A Yes, sir.
Q Did he return with you in December? A Yes, sir.

BY MR. HASTINGS:
Q Well you know that there was nobody living on Snow Creek after you moved down here in the spring of '67 because you had occasion to go back and forth up there? A I was up there from two to three weeks, had to go up to the little trading post at Oswego and get provisions.
Q And you saw nobody living in that section of the country?
A No, sir.
Q Well now the first trip you came I judge you traveled considerably over all of this country hunting a suitable place to locate?
A Yes, sir.
Q Well neither of the Webbers or none of the rest never did mention having been back to that section of the country before that in August? A No, sir.
Q None of them had been there before? A No, sir.
Q And there were no women on the first or second trips and no children? A No, sir.

BY MR. BULGER:
Q When you came down in December did you stay down in the bottoms close to Big Creek? A Yes, sir right in the bottoms.

BY MR. HASTINGS:
Q You had been game hunting a good deal of the time at that time had you? A It was all we had to eat.
Q And that made you go round in these bottoms in search of game.

A Yes, sir.

JAMES M. KEYS being first duly sworn testifies as follows:

BY MR. HASTINGS:
Q What is your name? A James M. Keys.
Q What is your age? A 62.
Q Are you a Cherokee citizen? A Yes, sir.
Q Where were you living when the war closed? A I was down south in the Choctaw Nation.
Q When did you return to the Cherokee Nation? A I came to the Cherokee Nation in June, 1866.
Q When did you first have occasion to visit Cooweescoowee district of that part of Cooweescoowee known as the Snow Creek, Big Creek and Verdegris country? A In the winter of 1867. I had a large bunch of cattle near Claremore, Indian Territory and in the spring of 1868 we had lost some cattle and there had been another herd of cattle near where I had these cattle I had charge of and they drove them in the direction of Kansas and I followed these cattle on the east side of the river to Coodys Bluff and crossed over at Coodys Bluff and stayed all night in the morning came on the east side and followed up on the Verdegris River to Snow Creek and found the bunch of cattle I was following.
Q How far from the Kansas line? A Well, I couldn't say,it was right near the Kansas line.
Q They were near the Kansas line? A Yes, sir.
Q Then you had occasion to go up to the Verdegris river from where it flows out of Kansas into the Cherokee Nation? A Yes, up as far as Snow Creek.
Q Now did you see any colored people along the Verdegris river and Snow Creek on that trip? A Well after leaving Coodys Bluff and going north on the east side of the river I didn't see a single house or habitation of any kind along the river, and I followed as close to the river as I could.
Q You were in search of this bunch of cattle and you were looking to see if you could find any people? A Yes, it was a wild country then and I would have been glad to have seen any house.
Q Were there any people living on Snow Creek at that time?
A I didn't see a single house.
Q Did you know where Ben Alberty claims to have settled? A Yes I know where the old place is.
Q How far did you go from the old Ben Alberty place on this creek?
A My best judgement is in the neighborhood of one mile.
Q How far did you pass from it when you went up? A I went right up Snow Creek until I could see the cattle on the other side and followed right up the Verdegris river until I came to Snow Creek.
Q And you could see no persons living in that section of the country? A No evidence of any habitation outside of the cattle down where the cattle were.
Q And you could see them at once? A I saw them at once.
Q How large a stream is Snow Creek? A Just a small stream.
Q Just a little branch? A It is a little creek with some timber that runs out of the Verdegris and heads toward Kansas.
Q Runs for a few miles in the Cherokee Nation? A Yes, sir.
Q And you saw no colored people at all on that trip? A No evidence of any habitation or anything.
Q And you never heard of any people who had seen the cattle?
A No, about half way between Coodys Bluff and Snow Creek I met two men and they told me no-one lived there.
Q They had seen this heard of cattle? A Yes they had seen the

cattle and had been to a town in Kansas, Osage, I knew them, they were two Cherokees.
Q Did you make any inquiries as to whether there was any settlement or not? A Yes, so I could stay all night.
Q Do you think it would be possible for Ben Alberty to have lived where you knew he afterward settled without your seeing his house? If he had lived there when you went up Snow Creek in search of these cattle you would have seen his house? A I don't think so, if there had been any house I would have seen it.
Q Which way did you go back? A I came back the way I went, along the river.
Q Did you take charge of these cattle? A No, sir, I left them in the herd, it was a long ways from where I was located and I left the cattle there until I came back.
Q You didn't go across to Salt Creek where Aaron Whitmire lives? A No, sir, I followed the Verdegris circle.
Q You left the Whitmire settlement to the east of you? A Yes some miles to the east.
Q And that is the reason why you didn't see their settlement? A Yes, sir.
Q Did you follow Big Creek? A Not any distance.
Q Big Creek flows in the Verdegris river? A Yes, sir, a little north of Coodys Bluff.
Q Instead of following Big Creek you went up the Verdegris river? A Yes, sir.
Q But when you struck where Snow Creek flows into the Verdegris you went up Snow Creek? A Yes a little, the cattle were between the river and Snow Creek on the north side and I followed the creek until I could see them on the other side and crossed.

BY MR. BULGER:
Q When was this Mr. Keys that you made this trip in April or May? A In April or May of 1868.
Q Where did you strike the Verdegris river when you started? A I went near Claremore and went from there to Coodys Bluff the first day.
Q On the east side of the river? A Yes Coodys Bluff is on the east side of the river. I stayed all night with Looney Riley.
Q Where did you cross the Verdegris River to go to the Snow Creek country? A I crossed it the next morning and went right up the river, there was considerable timber along the Verdegris at that time.
Q About the same as now? A Yes, sir.
Q How far out from Snow Creek did you stay when you went across the country for these cattle? A Not a great ways, I don't think it was more than from a half a mile on the east side of Snow Creek.
Q Is there any timber on Snow Creek? A Yes, sir, there is a little timber along there.
Q You didn't go on the east side of Snow Creek until after you had crossed that time, you went right across? A We followed up on the east side and crossed over on the west side and went to the herd of cattle.
Q How far up did you go until you crossed? A Well I couldn't say, a mile and a half or such a distance.
Q Do you know whether or not there was anyone living down on the fork where Big Creek flows into the Verdegris? A I saw no evidence of any settlement or habitation and I paid pretty close

attention and didn't see anyone living there.
Q But you don't know that there was no one living there? A I couldn't say positively.
Q How far east did you continue to go up Snow Creek? A Well I went right up the Creek, followed right up the river until near the mouth of the creek and then went up the creek about a mile and a half.
Q Never did go any farther? A We crossed there to the bunch of cattle the creek was running northeast at that point.
Q The cattle were on the northeast part of the prairie? A Yes, sir.
Q About how far? A One half mile or somewhere's along there.
Q After you found those cattle did you return to Claremore? A I just rode into the bunch of cattle and then I turned and went back down the river.

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The Cherokee Nation asks that the testimony taken of Aaron Whitmire and James M. Keys on this date be made a part of the record in the case of Frank Love, F. D. 879; Sarah Robinson, F. D. 476; Larkin Powell, F. D. 475; Polly A. Canard, F. D. 814.

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Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 23rd day of December, 1904, and that the above is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Opal Griggs.

Subscribed and sworn to before me this 31st day of December, 1904.

(Signed) Charles H. Sawyer
Notary Public.

(SEAL)

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 12 day of January 1905.

J. Blair Crell
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Powell, et al., as Cherokee Freedmen, consolidating the applications of:

Emma Powell, et al.,	Cherokee Freedmen D-475,
Sarah Robinson, et al.,	Cherokee Freedmen D-476,
Nettie Powell, et al.,	Cherokee Freedmen D-478,
William Love,	Cherokee Freedmen D-479,
Frank Love,	Cherokee Freedmen D-879,
Amanda Gaskins,	Cherokee Freedmen D-994,
Charlotte French,	Cherokee Freedmen D-1012.

--:--

O R D E R .

It is ordered that a copy of the testimony of Lewis Ross, applicant in Cherokee Freedman case No. D 549, taken at Chelsea, Indian Territory, June 6, 1901, its decision rendered by this Commission on March 5, 1904, in the consolidated case of Esau Fox, et al., Cherokee Freedmen D 508, et al., in which was included the said case of Lewis Ross, Cherokee Freedmen D 549, and Departmental letter of August 31, 1904, (I.T.D. 6756-04), affirming said decision, be filed with and made a part of the record in the applications of Emma Powell et al., Cherokee Freedmen D 475, Sarah Robinson, Cherokee Freedmen D 476, and Nettie Powell, Cherokee Freedmen D 478; and

That the testimony of Robert Adair, taken at Chelsea, Indian Territory, May 31, 1901, in re the application of his wife Ida Adair, Cherokee Freedmen R 99, be filed with and made a part of the record in the applications of William Love, Cherokee Freedmen D 479 and Frank Love, Cherokee Freedmen D 879.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Commissioner

Dated at Muskogee, Indian Territory,
this DEC 28 1904

A.F.Mc
D.C.L.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Powell et al., as Cherokee Freedmen, consolidating the applications of:

Emma Powell et al.	Cherokee Freedmen D 475
Sarah Robinson, et al.	Cherokee Freedmen D 476
Nettie Powell et al.	Cherokee Freedmen D 478
William Love,	Cherokee Freedmen D 479
Frank Love,	Cherokee Freedman D 879
Amanda Gaskins,	Cherokee Freedmen D 994,
Charlotte French	Cherokee Freedmen D 1012.

--:--

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Emma Powell for herself and minor children, Hattie Belle Ross, Lula Ross, Gertie Ross, Lillie Gusta Ross, Mamie Powell, Jessie Powell, Eddie Powell and Ora Della Powell; subsequently , there was filed with this Commission, and made a part of the record in this case, an affidavit showing the birth, on September 4, 1901, of Willie Powell, child of the said Emma Powell and one Larkin Powell; by Sarah Robinson for herself and minor children, Fred Robinson, Lucy Robinson and Andy Robinson; subsequently there was filed with this Commission, and made a part of the record in this case, an affidavit showing the birth, on March 26, 1902 , of Katie Robinson, child of the said Sarah Robinson and one Elijah Robinson; by Nettie Powell for herself and minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself; and by Washington French for his wife, Charlotte French. A copy of the testimony of Lewis Ross taken at Chelsea, Indian Territory, June 6, 1901, of its decision rendered

by this Commission March 5, 1904, in the consolidated case of Esau Fox, et al., Cherokee Freedman D 50[illegible] et al., and of Departmental letter of August 31, 1904, (I.T.D. 6756-04), in the case of Lewis Ross, Cherokee Freedman D 549, and of the testimony of Robert Adair taken at Chelsea, Indian Territory, May 31, 1901, in re application of Ida Adair for enrollment as a Cherokee Freedman by intermarriage, case No. R 99, and of Mariah French and others taken at Nowata, Indian Territory, July 2, 1901, in re application of the said Mariah French for enrollment as a Cherokee Freedman by intermarriage, case No. D 1010, is filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicant, Emma Powell, was born about the commencement of the rebellion, and was the daughter of Ben and Rhoda Alberty, both deceased, and both of whom were the slaves of a Cherokee citizen at the commencement of the rebellion; that the applicant, Charlotte French, was the daughter of the said Rhoda Alberty, and was the slave of a Cherokee citizen at the commencement of the rebellion; that the applicants, Emma Powell and Charlotte French, together with the said Ben and Rhoda Alberty, resided in the state of Kansas during said rebellion, and that neither the said Emma Powell or Charlotte French nor the said Ben or Rhoda Alberty, returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

The evidence further shows that said applicant, Emma Powell, died on March 22, 1902, and an affidavit to that effect is filed herewith and made a part of the record in this case.

Section twenty-five of the Act of Congress approved July 1, 1902(32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes/."

The evidence further shows that the applicants, Hattie Bell, Lula, Gertie, and Lillie Gusta Ross, Sarah Robinson and Nettie Powell, were born since 1866 and are children of the applicant, Emma Powell and one Lewis Ross, and that the application of the said Lewis Ross for enrollment as a Cherokee freedman was denied by the Commission on March 5, 1904, and its action approved by the Department on August 31, 1904. The applicants, William Love, Frank Love, Mamie, Jessie, Eddie, Ora Della and Willie Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell, are children of the applicants, Emma Powell, Sarah Robinson, and Nettie Powell, were born since 1866, and possess no rights to enrollment other than as descendants of their said mothers. The applicant, Amanda Gaskins, is a daughter of the said Ben Alberty, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said father.

None of the applicants herein can be identified on the authenticated Cherokee tribal roll of 1880, nor the Cherokee census roll of 1896.

In re credibility of witnesses introduced by applicants in this case:

Charles Chambers, a stock witness for freedman applicants, on behalf of the applicant, Emma Powell (C.F.D. 475), testifies that he first saw her father, Ben Alberty, in the Indian Territory, in 1867, while on a trip from Tahlequah to Big Creek; on behalf of the applicant, Amanda Gaskins, (C.F.D. 394), he testifies that this trip was made in the year 1870; on behalf of Charlotte French, (C.F.D. 1012), he again testifies that this trip was made in 1867. In the case of Queenie Smith, et al., (C.F.D. 779), this witness testifies that he moved from Tahlequah to the Big Creek country "somewhere in the '70's", and in the case of Willis Starr, et al., (C.F.D. 865), he testifies, "I come up on Big Creek in 1870", and upon cross-examination is very positive as to the date. Sidney West, in her own behalf, (C.F.D. 564), testifies that she was the wife of Charles Chambers during the rebellion, that they returned to the Cherokee Nation in the fall of 1865, and lived together about a year, near Fort Smith; that he then left her, and about a year later she found him at Fort Gibson, and that they then went to Park Hill, and lived together "there some year or two." She also testifies that she and Charles Chambers were living together at Park Hill "about four years after the war." In this she is corroborated by Charles Chambers, as, in the same case, he testifies that they began living together after they left the Cherokee Nation during the war, and lived together "six or seven years", and in the case of Sabra McQueen (C.F.D. 132), he testifies that he is her father, was living with her mother, Sidney West (C.F.D. 564), at the time she was born, and continued to live with her for a long time thereafter, in fact, until two children younger than Sabra were born to them. The above testimony establishes beyond a reasonable doubt that Charles Chambers, for several years after the close of the war, lived in the Cherokee Nation near Fort Smith and in and around Tahlequah, (Park Hill is between Tahlequah and Fort Gibson), and that he did not move to the Big Creek country prior to the year 1870.

Witness Nelson Murrell has been denied enrollment as a Cherokee freedman by this Commission, and its action approved by the Department. In his case (C.F.D. 548), it was conclusively shown that he was living in Kansas as late as the year 1868. He testifies, however, that he reached the Cherokee Nation before Ben Alberty and his family did, and that he met them at Trotter's Ford, on the Neosho river, as he was returning to Kansas. This statement is probably correct, and in view of the fact that he came to the Cherokee Nation in the latter part of the year 1868, or early part of 1869, together with the testimony of Charles Chambers to the effect that when he saw Ben Alberty (which undoubtedly was not earlier than the year 1870), "he had made one crop and was then making a other", and this, in connection with the testimony of numerous disinterested witnesses that there were no colored families living on Big Creek prior to 1868, shows beyond a reasonable doubt that Ben Alberty and his family did not come to the Cherokee Nation prior to the year 1868, and it is more probable that they did not come before the spring of 1869.

Little weight can be given the testimony of Jim (Sheep) Alberty, as he has been repeatedly contradicted, and his general disreputableness as a witness in behalf of freedmen applicants is recognized in departmental letter of August 17, 1904, (I.T.D. 4998-04).

The testimony of Daniel and Reuben Sanders does not show that the applicants or their ancestors returned to the Cherokee Nation within the time specified in the Whitmire decree.

If the moral depravity of a witness is to be considered in weighing their testimony, the testimony of Mary Joe should receive no consideration whatever.

L. D. Daniels, another "stock witness" for Cherokee freedmen applicants, testifies on behalf of Charlotte French, but he knows nothing of importance to the applicant. G.W. Lane, also on behalf of the applicant, Charlotte French, testifies to the effect that he first saw her at Ben Alberty's, on Snow Creek, in 1867, but does not give the time of the year. He further testifies, in reply to the question--"When did you first come in that neighborhood?" --"I come to stay in '68; I was here in '66 and went back." Evidently he did not see Ben Alberty or his family, here in 1866. This witness was an applicant for enrollment as a Cherokee freedman by intermarriage, consequently his residence prior to his marriage in 1875 was of no concern and has never been investigated.

It is, therefore, ordered by this Commission that the application for the enrollment of Emma Powell as a Cherokee freedman, be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716); and it is the opinion of this Commission that the applications for the enrollment of Hattie Bell Ross, Lula Ross, Gertie Ross, Lillie Gusta Ross, Jamie Powell, Jessie Powell, Eddie Powell, Ora Della Powell, Willie Powell, Sarah Robinson, Fred Robinson, Lucy Robinson, Andy Robinson, Katie Robinson, Nettie Powell, Harold Powell, William Love, Frank Love, Amanda Gaskins and Charlotte French, as Cherokee freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman

" T. B. Needles
Commissioner

" C. R. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory

this APR 15 1905

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Nettie Powell,
Coffeyville, Kansas.
Cherokee F-D-478
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

DEPARTMENT OF THE INTERIOR, Y.P
RAF

ITD 6786-1904 WASHINGTON.
L R.S.

August 31, 1904.

The Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

March 5, 1904, you rendered your decision in the case involving the applications for enrollment as Cherokee freedmen, of Flora Murrell, Esau Fox, Nancy Fox , Ollie Gibson nee Fox, Joe Fox, Arthur Fox, Hattie Fox, Ruthie Fox, Mary Fox, Leever Gibson, Tobe Looney, Eliza Looney, Frank Looney, Joe Ross, Irving G. Looney, John Shadd, Phillis Alexander, Luther J. Alexander, Vessie Alexander, Ezra Alexander , Ermer Alexander, Nelson Murrell, Lewis Ross, Allen Looney, Alice Looney, Bert Looney, Jake Looney, David Ross, Joseph Ross, Harry Ross, Herbert Ross, Vernie Ross, Nelson Ross, Alva Ross, John H. Ross, Steve Looney, Peggy Looney, Chaney Ross Emma Brown, Steve Willis, Maggie Willis and Lloyd Willis, holding that Flora Murrell should be enrolled, and that the other applicants should not be enrolled.

It was stated that the principala applicants claim for themselves as former slaves of Cherokee citizens, and for their children and grandchildren included in their respective applications as their descendants; that all of such applicants claiming by descent were born since the commencement of the rebellion, and it

is not shown tha t they have any rights as Cherokee freedmen other than as such descendants.

You found that the evidence shows that Esau Fox, Nancy Fox, Tobe Looney, Joe Ross, Nelson Murrell, Flora Murrell, Lewis Ross, Allen Looney, David Ross, Steve Looney Peggy Looney and Chaney Ross weres slaves of Cherokee citizens at the commencement of the rebellion ; that all of them, except Flora Murrell, removed from the Cherokee Nation during the rebellion , and did not return thereto and did not take up their residence therein until after February 11, 1867.

Reporting in the matter August 23, 1904, the Commissioner of Indian Affairs states that the record shows by a "preponderance of credible testimony" that the principal applicants were taken out of the nation during the war, and returned and established homes in the Cherokee Nation prior to February 11, 1867; that all applicants of sufficient age are identified on the Wallace and Kern- Clifton rolls, and "in isolated cases are found upon the 1880 authenticated Cherokee roll, but it appears from the act of Congress approved June 28, 1898 (30 stats., 495), section 21, that this roll was not intended for freedmen, but they were specifically excluded from the same." He states that there is some testimony in the record in behalf of the Cherokee Nation, but that it appears to be that of "Stock witnesses" who have appeared in m many of the Cherokee freedmen cases. He recommends that all of the applicants be enrolled.

The Commissioner is in error in stating that some of the applicants are on the 1880 roll. As stated in your decision, none of the applicants is identified on the 1880 authenticated Cherokee roll In regard to his statement concerning the 1880 roll, attention is called to departmental letter of May 11, 1900, in which you were advised that the roll of 1880 made by the Cherokee Nation, is to be accepted by you as conclusive of the rights of all persons claiming as Cherokee freedmen, whose names are found thereon and of their descendants/.

The Department finds nothing to warrant the conclusion that the witnesses for the nation are "stock witnesses."

It is true that, corroborating each other's statements to some extent, most of the principal applicants claim to have come to the Cherokee Nation in the fall of 1866, with Nelson Murrell, one of the applicants.. The nation produceda a number of witnesses who testified that the two principal applicants, Esau Fox and Nelson Murrell, were residing with their families in southern Kansas, north of the Cherokee Nation, in 1866, 1867, 1868 and 1869, and, some of the witnesses stated, even at a later date; also witnesses to show that in 1868 no freedmen were residing in the Cherokee Nation where most of the principal applicants claim to have been living from September, 1866.

The Department finds no reason to disturb your decision,

and it is hereby affirmed. You will, however, adjudicate the rights of Nelson Murrell to citizenship as an intermarried citizen.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan
Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen

D-475, et al.

Muskogee, Indian Territory, January 11, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of an order dated December 28, 1904, and signed by Commissioner Bixby, making part of the record in Cherokee Freedmen cases a part of the record in other Cherokee Freedmen cases as follows:

A copy of the testimony taken at Chelsea, Indian Territory, on June 6, 1901, in the case of Lewis Ross, F. D-549; the Commission's decision dated March 5, 1904, in the consolidated case of Esau Fox, et al., F. D-508, et al., in which was included the said case of Lewis Ross; a copy of departmental letter of August 31, 1904, affirming said decision, to be made a part of the record in the cases of Emma Powell, et al., F. D-475; Sarah Robinson, et al., F. D-476, and Nettie Powell, et al., F. D-478.

A copy of the testimony of Robert Adair taken at Chelsea, Indian Territory, on May 31, 1901, in the case of his wife Ida Adair, F. R-99, to be filed with and made part of the

record in the cases of William Love, F. D-479, and Frank Love, F. D-879.

Respectfully,

Tame Dixby.
Chairman.

Incl. 8-12.

COPY.

Cherokee Freedmen

D-478.

Muskogee, Indian Territory, April 18, 1905.

Nettie Powell,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting, among others, the application for the enrollment of yourself and your minor child, Harold Powell, as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-67
Register.

Chairman.

COPY.

Cherokee Freedmen

D-478, et al.

Muskogee, Indian Territory, April 14, 1905.

Edgar Smith,

Attorney for Emma Powell, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 14, 1905, dismissing the application for the enrollment of Emma Powell and rejecting, among others, the applications for the enrollment of Hattie B., Lula, Gertie and Lillie G. Ross, Nanie, Jessie, Eddie, Ora D., Willie, Nettie and Harold Powell, Sarah, Fred, Lucy, Andy and Katie Robinson, William and Frank Love and Amanda Gaskin, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. B-72
Register.

COPY.

Cherokee Freedmen

D-475, et al.

Muskogee, Indian Territory, April 1b, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 1d, 1905, dismissing the application for the enrollment of Emma Powell and rejecting the applications for the enrollment of Hattie B., Lula, Cortie and Lillie G. Ross, Mamie, Jessie, Eddie, Ora B., Willie, Nettie and Harold Powell, William and Frank Love, Sarah, Fred, Lucy, Andy and Katie Robinson, Amanda Gaskin and Charlotte French, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.

Chairman.

Incl. S-76

COPY.

Cherokee Freedman
D-475, et al.

Muskogee, Indian Territory, April 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Emma Powell, et al., including the Commission's decision dated April 19, 1903, dismissing the application for the enrollment of Emma Powell and rejecting the applications for the enrollment of Hattie B., Lula, Gertie and Lillie G. Rose, Mamie, Jessie, Eddie, Ora D., Willie, Nettie and Harold Powell, William and Frank Love, Sarah, Fred, Lucy, Andy and Katie Robinson, Amanda Gaskin and Charlotte French, as Cherokee freedmen.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-77

Through the

Commissioner of Indian Affairs.

Land
30880-1905.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington.

May 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Emma Powell for herself and her minor children, Hattie Bill, Lula, Gertie and Lillie Gusta Ross and Mamie, Jessie, Eddie, Ora Della and William Powell; by Sarah Robinson for herself and her minor children, Fred, Lucy, Andy and Katie Robinson; by Hettie Powell for herself and her minor child, Harold Powell; by William Love for himself; by Frank Love for him self; by Amanda Gaskins for herself and by Washington French for his wife, Charlotte French.

On blank date the Commission decided adversely to all the applicants.

The record shows that Emma Powell was born about the commencement of the war of the rebellion, and was the daughter of Ben and Rhoda Alberty, both deceased, and both of whom were slaves of a Cherokee citizen at the beginning of the war of the Rebellion; that Charlotte French was the daughter of Rhoda Alberty and was the slave of a Cherokee citizen at the

beginning of the war; that Emma Powell and Charlotte French, together with Ben and Rhoda Alberty resided in the State of Kansas during said war and that Emma Powell, Charlotte French, Ben Alberty or Rhoda Alberty did not return to the Cherokee Nation on or before February 11, 1867. The record further shows that Emma Powell died March 22, 1902.

The record further shows that Hattie Bell, Lula, Gertie and Lillie Gusta Ross, Sarah Robinson and Nettie Powell were born since 1866 and are children of Emma Powell and one Lewis Ross and that the rejection of the application of Lewis Ross was approved by the Department August 31, 1904. The applicants, William and Frank Love, Mamie, Jessie, Eddie, Ora Della, and Willie Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell are children of the applicants, Emma Powell, Sarah Robinson and Nettie Powell, were born since 1866 and possess no right to enrollment other than as descendants of their said mothers. The applicant, Amanda Gaskins is a daughter of Ben Alberty, was born since 1866 and possisses no rights to enrollment other than as a descendant of her father.

None of the applicants is identified on the 1880 authenticated Cherokee roll nor the Cherokee Census roll of 1896.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. H. Larrabee.

Acting Commissioner.

M.M.M.
W.

Cherokee F.
D-478

Muskogee, Indian Territory, January 17, 1907.

Nettie Powell,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting, among others, the application for the enrollment of yourself and child as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, September 7, 1905, denied.

Respectfully,

Commissioner.

JMH

Cherokee F.
D-475 et al.

Muskogee, Indian Territory, January 17, 1907.

Blue & Bulger,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell, and rejecting the applications for the enrollment of Hattie B. Ross, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of the said case, filed by you September 7, 1905, denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.H-20
JMK

Commissioner.

Cherokee F.
D-475 et al.

Muskogee, Indian Territory, January 17, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell, and rejecting the applications for the enrollment of Mattie F. Ross, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of said case, filed September 7, 1905, denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl.N-21
JMG

Commissioner.

(COPY) JFJr.

DEPARTMENT OF THE INTERIOR, LLB.

WASHINGTON.

D.C.1777-1907

I.T.D.6424-1905
8551- "

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

April 18, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Emma Powell for herself and her minor children, Hattie Bell, Lula, Gettie, and Lillie Gusta Ross, and Mamie, Jessie, Eddie, Ora Della, and Willie Powell; by Sarah Robinson for herself and her minor children, Fred, Lucy, Andy, and Katie Robinson; by Nettie Powell for herself and her minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself, and by Washington French for his wife, Charlotte French, including its decisions, without date, adverse to all applicants.

Reporting May 11, 1905 (Land 30880), the Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed a motion for review of the decision of the Commission.

The Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed motions for review of said decision.

The Cherokee Nation filed argument.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motions for review, have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

17 inclosures.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the mater of theapplication of Netie Powell et al for enrollment as Freedmen of the Cherokee Nation, one copy of the original testimony of June 1st, 1901.

Mellette Smith

Attorney for Applicants.

Cherokee F. #D478.

V

F. D. 1178

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of , 190 .

Attorney for applicant.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

FILED
SEP 21 1901

NOTICE!

IN THE MATTER OF the application of Nettie Powell for enrollment as Cherokee citizens:

Case No. D 478

To ~~Nettie Powell or Mellette & Smith~~ her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22d 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

D. W. Hastings

Attorneys for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

REGISTERED
APR 20 1900
MUSKOGEE

Nettie Powell,

Coffeyville, Kansas.

Cher. Fr. R. 907

Trans. from C. Fr. D. 479

Cher. Fr. R. 907

(C O P Y)

REJECTED, as to wife, Ida.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T. May 31, 1901.

In the matter of the application of Robert Adair for the enrollment of himself and one child as Cherokee Freedmen, and for the enrollment of his wife as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

Mellette , of Mellette & Smith, appears for applicant.

Q Give me your full name? A Robert Adair.
Q How old are you? A I was born March 7th, 1871
Q What is your postoffice? A Coffeyville, Kansas
Q In what district do you live? A Cooweescoowee.-
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir
Q Do you want to apply for anybody besides yourself? A Adopted wife and one child.
Q How long have you lived in the Cherokee Nation? A Born and raised here.
Q Lived here all your life have you? A Yes sir.
Q Give me the name of your father? A Amos Adair.
Q Is he alive? A Yes,sir.
Q Give me the name of your mother? A Caroline Chambers.
Q Is your mother alive? A Yes sir.
Q Well, her name is Adair now isn't it? A No, her name is Chambers.
Q Has she separated from your father? A Yes sir.
Q And married a man named Chambers? A Yes,sir.
Q Give me the name of your wife? A Ida Adair now.
Q How old is your wife? A She is between 38 and 39 I guess.
Q You apply for her as an intermarried Cherokee? A Yes sir
Q She is a state woman of her own right? A Yes sir.
Q Give me the name of her father? A Bob Love.
Q Is he alive? A No sir.
Q Give me the name of her mother? A Matilda Love.
Q Is she alive? A Yes sir
Q When were you and your wife married? A November 24, 1896.
Q Were you ever married except to her? A No sir.
Q Was she ever married except to you? A No sir.
Q Never was? A No sir.
Q Have you a certificate of your marriage? A Yes sir (Produces papers)

Com'r: The applicant presents a certificate showing that he was united in marriage to his wife, as stated by him; the ceremony being performed by the Rev. Joseph Smith; this is filed herewith.

Q Have you and your wife lived together ever since you were married? A Yes sir.
Q Give me the name of your child? A Leater
Q How old is the child? A She was born May 11th, 1900.
Q The child is living now? A Yes,sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page 62 #114 Robert Adair, Cooweescoowee , adopted colored.

1896 census roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page 396 #33 Robert Adair, Cooweescoowee District.

Commissioner Breckinridge: The applicant applies for the enrollment of himself, his wife and one child; he is

identified on the rolls of 1880 and 1896 as a Cherokee Freedman; he has lived in the Cherokee Nation all his life, and he will be listed for enrollment as a Cherokee Freedman

For his wife he applies only as an intermarried Cherokee; she being a state woman; he testifies that neither he or she was married prior to their present marriage, and it is shown by the certificate filed herewith that they were united in marriage on November 25th, 1896; her marriage is too late, however, under the Cherokee law of December 16, 1895, to entitle her to enrollment as this time, whatever may be the theory of the right to enrollment of Freedmen by intermarriage; therefore the application for the enrollment of the applicant's wife, is rejected.

Their child, Leater, is too young to be upon any roll, having been born in May of last year; but the applicant being duly identified as a Cherokee Freedman and the marriage between the child's father and mother being fully established as a lawful marriage, this child will also be listed for enrollment as a Cherokee Freedman, and the applicant is desired to file with the Commission a proper certificate of its birth.

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M. D. Green being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

(Signed) M.D. Green

Subscribed and sworn to before me this June 1st, 1901.

(Signed) T.B. Needles
Commissioner.

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Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy, and that same is a full, true, and correct copy of the original transcript now on file with this Commission.

Lucy M Bowman

Subscribed and sworn to before me this 28th day of December, 1904.

Charles W. Sawyer
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 1st, 1901.

In the matter of the application of William Love for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

L.B.Bell
~~[illegible]~~ for Cherokee Nation

Mellette & Smith for applicant

By Com'r Needles:

Q What is your name? A. William Love.
Q How old are you? A. 23.
Q What is your post office address? A. Coffeyville.
Q In what district do you live? A. Cooweescoowee.
Q Do you want to be nerolled as a Cher kee citizen? A. Yes sir.
Q Who do you want to have enrolled besides yourself? A. Just myself.
Q Married? A. Yes sir.
Q Dont you apply for your wife? A. No sir.
Q What is your father's name? A. Bob Love
Q Is he alive? A. I dont know.
Q What is your mother's name? A. Emma Powell.
Q Where were you born? A. On snow creek.
Q In the Cherokee Nation? A. Yes sir.
Q Have you lived here all your life? A. Yes sir.
Q Was your mother ever married to Bob Love? A. They say she was.

By Mr. Smith of counsel for applicant:

Q You dont know anything about that though? A. No sir.
Q Did you ever see your father? A. No sir.

By L. B. Bell for Cherokee Nation:

Q Have you never been out of the Nation? A. No sir.

By Mr. Smith.

Q Is the Emma Powell who has just applied for her own enrollment, your mother? A. Yes sir.
Q Is Nettie Pwell your sister? A. Yes sir.
QWhat is your other sisters name? A. Eliza Robinson
Q Where were you born? A. In the Cherokee Nation.

Kern Clifton roll examined and applicant found as follows:
Page 167 No. 4114, Will Alberty, Cooweescoowee district.

Wallace roll examined and applicant found as follows:
Page 157 No. 2872, Wm. Love, Cooweescoowee district.

By Com'r Needles—

William Love applies for hiself; he avers that he is the son of Emma Powell, nee Ross, nee Alberty; his name is not found on the roll of 1880 but he is identified on the Kern Clifton roll as Will Alberty, that having been his mother's maiden name ; and upon the Wallace roll as William Love. Reference is made to the testimony taken in the cause of his mother as Cherokee Freedman D. Card #475, and the same is hereby made a part of the case at bar and a copy of the same will be filed herewith. Consequently the said William Love ,nor being found on the 1880 roll, and because of the protest of the Cherokee representative, will be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified of the final decission of the Commission in his case.

Wm. Love 2.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes thereon

Chas von Weise

Subscribed and sworn to before me this the 8th of June, 1901 at Muscogee, I. T.

Commissioner.

To be filed with the case of [illegible] C. F. D. #

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June, 1st 1901.

In the matter of the application of Emma Powell for the enrollment of herself and eight children as Cherokee freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Mr. Smith, of Mollette & Smith, for applicant.
Mr. L. B. Bell, Cherokee representative.

Q What is your name? A. Emma Powell.
Q Is that your name now? A. Yes sir, my married name.
Q How [illegible] old are you? A. I guess about 40, 30 or 40.
Q What is your postoffice? A. Coffeyville.
Q What district do you live in? A. Coowescoowee
Q You apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. I have got 12 children, three of them is married.
Q Are you married yourself? A. Yes sir.
Q Has your husband been enrolled? A. No sir, he is a state man.
Q What is your husband's name? A. Larkin Powell.
Q Now give me the names of your children, commencing with the oldest one at home [illegible]? A Hattie Bell.
Q Hattie Bell what? A They are on the roll Alberty, that 's my father's name; [illegible] Ross.
Q Were you ever married to Ross? A Yes sir.
Q How old is Hattie Ross? A She is 17 years old, as near as I can guess.
A Now the next one? A. [illegible] Powell.
Q How old is Lulu? A. She is 14. I dont know their ages exactly, I am guessing at it.
Q Well go on now? A Gertie, 13.
Q Next one? A Little Susie.
Q Is it a girl? A Yes sir.
Q How old is she? A. About 10 or 12 years old.
Q Next one? A. Minnie.
Q How old is Minnie? A. She is about 9 years old.
Q Next one? A. Josie. She is about 6. Eddie Powell, five years old, going on five.
Q Next one? A [illegible] Della, 2 years old.
Q Are they all Powell except the oldest one, Hattie? A Yes sir, they are about four Powells I give you there.
Q You gave me seven Powells, you say Hattie Bell is named Ross? A Yes sir.
Q Well, all the balance of them are named Powell? A No sir, only four Powells, or three.
Q What's Gertie's name? A She is a Ross.
Q What's Lulu's name? A She is Ross, but it is on the roll Alberty.
Q What's Little's name? A. She is a Ross.
Q What's Minnie? A She is a Powell.
Q And Josie is [illegible] Powell? A Yes sir.
Q And Eddie? A [illegible] sir.
Q And [illegible]? A [illegible]
Q Your [illegible] child [illegible]? A. Yes sir.
Q You have got eight children here, and how many married? A. Four married.
Q What was your husband's name? A. Lewis Ross.
Q Was he a citizen? A. Yes sir.
Q Is he living? A. Yes sir.

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Q Are you separated? A. Yes sir.

(Examined by Attorney Smith)

Q Were born a slave? A I dont remember.
Q About how old are you? A. I dont know, I guess I ought to be 30 or 40.
Q How old is your oldest child? A He is about 23, or 5, or about 26 I think,- he is 24; my oldest child. I dont know his age exactly.
Q What is his name? A. Frank.
Q Who was his father? A. Ross.
Q He is Frank Ross? A. Yes sir.
Q What is the next child's name? A. Will Ross.
Q What is your next childis name? A. Sarah.
Q Is she married? A. Yes sir.
Q What is her name now? A. Sarah Elisa Robinson.
Q What is your next one's name? A. Annette Powell now, she is married
Q What is the next one named,does that bring you down to Hattie,two boys and two girls are married? A That's all the married ones I have got.
Q That's all down to Hattie then? A. Yes sir.
Q How old is Hattie? A She is I think about 17 years old I guess.
Q Who was your mother? A They tell me, I don't remember, my mother, her name was Rhoda, I dont remember.
Q Rhoda who? A I don't know that.
Q Do you know who your father was? A. Yes sir.
Q Who? A Ben Alberty.
Q Where do you live? A Cowsecacoowee.
Q What is your post office? A Coffeyville.
Q How far do you live from Coffeyville, about? A. It is about 10 or 12 miles.
Q In the Cherokee Nation? A Yes sir.
Q How long have you lived in that place where you live now?
A About five or six years.
Q Where did you live before that? A I lived closer to the river and I moved from the Verdigris river [illegible], where I live now.
Q When did your husband Ross, die? A He is not dead.
Q Are you divorced from him? [illegible]
Q Where were these children, where either you were placed,born? All here in the Cowsecacoowee Township.
Q What is your earliest recollection as to where you were living as far back as you can remember. A On Snow Creek.
Q In theCherokee Nation? A Yes sir.
Q Are you on the Kern Clifton roll? A Yes sir.
(By Commissioner Needles)
Q Are you on the 1880 roll? A I didn't know as I am, my father may be, I dont know, I may be.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant, and her father, and name not found.
Kern Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 167 #4115 Emma Powell, Coowescoowee district.
page 167 #4117 Hattie Bell, Coowescoowee District
page 167 #4119 Lula Powell, Coowescoowee district.
page 167 #4118 Gertie Ross, Coowescoowee district.
page 167 #4120 Gaston Ross, Coowescoowee district.
page 167 #4121 Mamie Powell, Coowescoowee district.
page 167 #4122 Jess Powell, Coowescoowee district.
Kern Clifton roll of citizens of the Cherokee Nation examined for Eddie and name not found.

Q You didn't draw for Eddie? A. No sir.

Wallace roll of citizens of the Cherokee Nation examined for applicant and found on page 137 #2870 Emma Ross, Coow[illegible] district.

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Q Was Lewis Ross the father of Lula? A No sir.
Q Who? A Powell, no Ross. Lewis Ross he is the father of this Lula.
(Examined by Cherokee representative, L.B.Bell)
Q Where were you born? A I don't remember where I was born.
Q How old are you? A. I don't know my age, at all. That's the reason I got this mistake now.
Q Where do you first recollect being? A On Snow Creek.
Q Who was your father? A Ben Alberty.
Q Who was your mother? A They called her Rhoda, I don't remember her; she died when I was quite young.
Q You don't know whether she was a Freedman? A No sir, I don't.
Q You know who Ben Alberty belonged to? A He said he belonged to old John Alberty.
Q You know nothing of yourself, as to where you were born, and brought up? All you recollect here at Snow creek? A No sir.
Q You live on Snow creek now? A. No, I live on Cedar now.
Q How far is that from Snow Creek? A About five miles.
Q You have lived there all the time? A Yes sir except when I lived at Bartlesville awhile.
Q You never lived in Kansas? A. No sir.
(Examined by Attorney Smith)
Q Have those children whose names you have given been living with you all the time? A All these single ones.
Q Where are the ones that are married living now? A. Right close to me
Q In the Nation. A. Yes sir.
Q Did they live with you up until they were married? A Yes sir.
Q These single ones they are living with you still? A Yes sir, the single ones.
(Examined by Cherokee representative, L. B. Bell)
Q They are all alive? A. Yes sir, when I left home they were.
This case is here discontinued to await the arrival of a witness in behalf of the applicant, who has been sent for.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

(Signed) M. D. Green.

Subscribed and sworn to before me this June 8th, 1901.

(Signed) T. B. Needles,

Commissioner.

CONTINUATION of the application of Emma Powell, taken by stenographer M. D. Green, June 1st, 1901.

CHARLES CHAMBERS, called and sworn as a witness for the applicant. (Mr. Smith
Q What is your name? A. Charles Chambers.
Q Where do you live? A. Hudson, I. T.
Q How long have you lived in the Cherokee Nation? A. All my life.
Q How old are you? A. About 70.
Q Do you know Emma Powell? A Yes sir.
Q Was she a slave? A. No sir.
Q Did you know her mother? A. I saw her mother.
Q Where did you see her? A. I saw her when she used to live with John Alberty.
Q Did she belong to John Alberty? A. Yes sir.
Q How big was Emma when you were broke out? A. Must have been a mighty little thing, I dont remember seeing her then; when I came back here in 867 she was a small girl.

Q Well you dont know then if she was born before or after the war?
A She must have been born during the war.
Q You dont know about it though? A No sor.
Q When did you first see Emma Powell in the Cherokee Nation after the war? A Right after the war. In 1867 when I came from Tahlequah.
Q Who was she with? A. Her father? A.
Q What was his name? A. Ben Alberty.
Q Who did Ben belong to? A. John Alberty.
Q What was this girl's mother's name? A I done forgot it.
Q Who did she belong to? A. I don't know if she belonged to John Alberty or not, she was there though.
Q When did you come backfrom Tahlequah the trip you made and saw Em Powell? A I started in '67 from Tahlequah.
Q Where were you going? A Just coming up on the creek to the old place hunting my old friends Joe and Jack Ross.
Q Where was Emma in '66? A I dont know for certain, on Snow creek I guess.
Q Do you know where she was in '66? A I dont know where she was I saw her father on Snow creek and I guess she was with him.
Q When did you come to the Alberty's there that time you say you saw the father? A In '67.
Q Was it in the fall of '67? A No in the summer.
Q You dont know how long they had been there do you? A. No sir her father had made a crop there and had another one started so he must have been there a while.
Q Had you seen her father any where else before that? A. No sir only on Snow Creek since the war, that was the first time since the war in the Cherokee Nation.
Q You say he had made one crop and had in another? A. Yes sir.
(By Bell)
Q Where is Snow creek? A Near the Virdigris river.
Q Which side? A. The east side.
Q How far is it from the Big Creek Whitmire settlement ? A About 15 miles.
Q Dod you settle on Snow creek? A Yes sir settled there first.
Q When did you settle there? A I dont know just when it was.
Q What year was it in? A. In '68
Q After Ben Alberty was there? A. He was there in '67, that is when I seed him there, and I went back to Tahlequah and then came back there again and settled.
Q Did you go out of the Nation during the war? A. Went to the Choctaw Nation.
Q Did you come back? A. Yes sir.
Q When? A. In '65.
Q The same year the war ended? A. It wasn't good peace yet when I come.
Q Are you certain that you saw this woman in '67? A Yes sir I seed her fater there in '67 and then I come back she was right there with her father Ben Alberty.
Q With her father? A. Yes sir.
Q Did they have any other children? A. Yes sir.

NELSON MURRELL called and sworn as a witness for the applicant-
(By Mr. Smith)
Q What is your name? A. Nelson Murrell.
Q Where do you live? A. In Cooweescoowee district.
Q How old are you? A. 77.
Q How long have you lived in the Cherokee Nation? A. I have lived here all my life, in here and the old country.
Q What do you call the old country? A. Tennessee and Georgia where the Indians were.
Q Do you know this applicant, Emma Powell?A Yes sir.

Q Did you know her mother? A Yes sir.
Q What was her name? A. Rhoda Alberty.
Q To whom did she belong before the war? A. John Alberty, known as Lng John.
Q Was he a Cherokee citizen? A. Yes sir.
Q Where did he live? A. Pryor creek.
Q Do you know if they were taken out of the Cherokee Nation during the war? A. Yes sir.
Q When did you first see this applicant Emma Powell in the Cherokee Nation after the war? A. First time I saw her I saw her on Snow creek in '66.
Q What time in 166? A Spring of '66.
(By Bell)
Q Where were you living then? A. On Snow Creek, in Cooweescoowee
Q What time did you come back after the war? A. In '66.
Q What time of the year? A. Spring of '66.
Q How early in the spring? A. Early in the spring.
Q Who came with you? A. Jow Ross.
Q You didn't come with Ben Alberty then? A. No sir he didn't come with me.
Q How far did you live from Ben Alberty on Snow creek? A About a miles and a half.
Q Did you make a crop there in '66? A Yes sir.
Q What was it? A Beans and corn.
Q Did you find a place already cleared out? A. I found an old Osage patch that had been cleared.
Q How much of a patch? A About 4 acres.
Q Did Ben Alberty have in a crop? A He has a small patch too.
Q How much? A. 2 or 3 acres.
Q Just what particular place is that on Snow creek that you and Ben had farms? A I had mine on the east side a mile from the mouth of Snow Creek and Ben's was a mile and a half on Snow creek north of the main Military road.
Q Did you or Ben live on the road? A. Ben lived on the road.
Q Now tell me what does Snow creek empty into? A. Virgigris river.
Q How far is that from Coffeyville? A 8 miles about.
Q You found an Osage patch? A. Yes sir.
Q And Ben found one too? A. Yes sir.
Q You was on the east side of Snow creek a mile from the mouth of it? A. Yes sir but not right on the creek.
Q How far from the creek ? A 3/4 of a mile.
Q How far from the river? A. About half a mile from the river.
Q Was Ben right on the creek? A Yes sir right on the creek, his house was 50 yards from the creek.
Q Right where the road crosses it? A. Yes sir.
(By the Commissioner.)
Q Are these children all living now and with you? A. Yes sir
Q Are you living with your husband now? A. Yes sir.
Q You dont apply for him though? A. Yes sir.

By Com'r Needles-

Emma Powell applies for herself and her children, to-wit: Hattie Ross, Lula Ross, Cortie Ross, Lillie G. Ross, Mamie Powell, Jessie Powell, Eddie Powell, Ora D. Powell. She avers that she is married now to Larkin Powell a non citizen; she avers that she was previously married to Lewis Ross, by whom she had four children, her four oldest children, and that the remaining children are by her husband Powell; she avers that she was a slave of one John Alberty who was a Cherokee citizen; she is identified on the Kern Clifton roll as Emma Powell, and on the Wallace roll as Emma Ross, the name of her first husband. The names of all her children except the youngest are identified on the Kern Clifton roll, her second child being

identified as Hattie Bell, her proper name being Hattie Ross; she makes no satisfactory proof as to her youngest child and it will be necessary for her to file with this Commission satisfactory certificate of its birth. She makes satisfactory proof as to her residence, and she will be listed for enrollment as a Cherokee Freedman with her children as enumerated herein, on a doubtful card because of the fact thatshe is not identified on the authenticated roll of 1880 and because her enrollment is contested by the Cherokee Nation. She will be notified by mail of the final decision of the commission in regard to her application.

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Chas. von Weise, being sworn states that as stenographer o the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

(signed) Chas. von Weise

Subscribed and sworn to before me this the 7th of June, 1901 at Chelsea, I. T.

(Signed) T. B. Needles,

Commissioner.

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I, Chas. von Weise, upon my oath state that the foregoing is a true copy of the original.

Chas. von Weise

Subscribed and sworn to before me this 30th of August, 1901.

Commissioner.

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File with C. F. D- 479, William Love.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 6th, 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedmen; said Murrell being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Smith & Mellette, for Applicants;
Mr. W.W. Hastings, Cherokee Representative.

Q What is your name? A Nelson Murrell.
Q How old are you? A 77.
Q What is your post-office address? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you desire to enroll anybody besides yourself? A Myself and wife.
Q What is the name of your wife? A Flora.
Q How old is Flora? A About 67.
Q Is your name on the roll of 1880, Mr. Murrell? A No, sir.
Q Is your wife's name not on the roll of 1880? A No, sir.
BY MR. SMITH:
Q What is your post-office, Mr. Murrell? A Coffeyville, Kansas.
Q How far do you live from Coffeyville? A About eight miles south.
Q In the Indian Territory? A Indian Territory.
Q What Nation? A Cherokee.
Q Were you yourself born a slave? A Yes, sir.
Q Who was your Master? A Well I was born a slave of one Nave.
Q Do you know what Nave it was? A Henry Nave.
Q Was he a Cherokee Indian? A His wife was.
Q What was her name? A Susie Nave.
Q Do you know what her name was before she married Henry Nave?
A Susan Ross.
Q Was she a Cherokee Indian? A Yes, sir.
Q Were Henry Nave and his wife citizens of the Cherokee Nation?
A Well, his wife was a Cherokee and he was adopted citizen by marriage.
Q Where did they live before the war? A Well, before the war the first I knew of them they lived in Georgia.
Q Did they ever live here in the Indian Territory? A Yes, sir.
Q In what part of the Nation? A Tahlequah District.
Q Where were you when the war commenced? A I was right near Tahlequah.
Q With what family of people? A With the Murrells, George Murrell
Q Did you go out of the Cherokee Nation before the war?
A Yes, sir.
Q Where did you go to? A Up in Kansas.
Q When did you return the first time to the Cherokee Nation after the war? A I returned the first time in '65, February, '65
Q Where did you come to? A. I came to the Cherokee Nation.
Q What point? A Up in Cooweescoowee.
Q Well near what place? A Snow Creek vicinity.
Q How far from what is now the town of Chelsea? A I don't know exactly how far from Chelsea town, about 35 or 40 miles; this is the first time I ever was at Chelsea.
Q Did you make more than one trip to the Cherokee Nation?
A Yes, sir.
Q Well after you came in 1865 when did you come out again after you went out? A Went back again about a month after I came in '65.

Q Did you return to the Cherokee Nation at any time after that?
A Yes, sir.
Q About when? A Came back in July.
Q Of what year? A Same year.
Q Did you remain here at that time? A No, sir.
Q What did you do then? A Went back.
Q When did you return then to the Cherokee Nation? A In '65, in the fall, in '66 and '65 I mean in the fall.
Q Well where did you locate? A I located on the Verdigris on the east side of the Verdigris, west side of Snow Creek.
Q When? A I located on the east side of the Verdigris, west side of Snow Creek.
Q When was it you made that location? A I made that location in '75 where I live.
Q Where had you been up to 1875? A I had been back to Kansas.
Q When wasit now you said you first came down here? A I come down in February, '75.
Q You don't mean '75? A No, sir, '65.
Q Now when did you first make that first location? A I made it the same time.
Q You said Mr. Murrell, '75, a while ago? A I took that back, I made a mistake.
Q Well when was it? A I come in '65.
Q That is what you said when I asked you when you made your first locatin? A My first location I made it in February, '65.
Q Where have you lived since that time? A I stopped in Kansas a little while, I never did live in Kansas.
Q Who is your wife now? A Flora Murrell.
Q How long have you known her? A I have known her 40 odd years.
Q When did you first get acquainted with her? A I got acquainted with her 40 years ago perhaps, maybe more I wont be positive.
Q Where? A Close to Tahlequah, Park Hill.
Q Before the war? A Yes, sir.
Q Where did you next see her after the war? A Next seen her after the war, I saw her up on the Verdigris where I live now, that was after the war.
Q Well, when did you see her next? A I saw her along about '73, there where I lived.
Q Well, where were you living? A I was living out there near Snow Creek.
Q Was she ever married before she married you? A Well, sir, she come there a married woman.
Q What was her husband's name? A Robert Vann, Louin Vann in Cherokee.
Q When did you marry? A I married about 26 years ago.
Q Have you and she been living together ever since? A Yes sir.
Q Where? A Up where I live now, Snow Creek.
Q How long had you been back here after you made your location here in 1865 before you first saw her? A It was about two years.
Q You don't know where she was in 1866? A No, sir.

BY MR. HASTINGS:

Q You come down in 1865? A Yes, sir.
Q Who come with you at that time? A Joseph Ross and Frank Nave.
Q Anybody else? A That is all.
Q Where did you come to? A Come on Verdigris.
Q Near Snow Creek? A Yes, sir.
Q How long did you remain up there? A About one month, somewheres along about that.
Q Where ddyou go from there? A I went back to Kansas.
Q How long did you stay in Kansas? A I come back the next time in June.
Q The following June? A Yes, sir.
Q What did you do then in June? A Cut hay
Q You put up hay then did you ? A Yes, sir.
Q [illegible] went back did you? A Yes, sir.

Q Well when did you come back then? A I come back in the fall.
Q Same fall was it? A Fall of '66.
Q Was it the same fall you put up the hay in June? A Fall of '66.
Q Answer my question did you come back the same fall that you put up the hay? A Yes, sir.
Q You put up hay after you were here in June? A Yes, sir, I come back in the fall of '66, I know that.
Q The first time you ever come here that was in February? A Yes, sir.
Q According to your testimony you stayed here about a month?
A About a month.
Q You and Joe Ross and Frank Nave? A Yes, sir.
Q Frank Nave is dead isn't he? A Yes sir.
Q Now, you stated you stayed here about a month at that time?
A Yes, sir.
Q Then you went back to Kansas? A Yes, sir.
Q Now you stated that you came back here the following June and put up hay, is that true? A That is true.
Q Now, then you went back to Kansas again? A Yes, sir.
Q Now, the next time you moved is that correct? A Yes, sir.
Q And that was the following fall? A Yes, sir.
Q Now, the first time you come here was in February, '65? A Yes, sir.
Q Now, who come with you when you come in June? A Joseph Ross, Posy Gibson, Ben Pee and Caesar Hog.
Q That was all was it? A Yes, sir.
Q Did you see any colored people, anybody when you first came?
A Yes, sir.
Q Who? A Amos Adair.
Q You testified in Amos Adair's case the other day didn't you?
A I did.
Q Did you see any colored people here the following June when you came? A Mr. Adair.
Q He was here in June was he? A I think he was, if I mistake not.
Q That was the June after you were here in February? A Yes, sir.
Q Now, what other colored people did you see down here, in June, any besides Amos Adair? A Only Amos Adair.
Q You never saw any colored people while you were on that trip?
A No, sir, not on that trip.
Q Now about what time did you return to locate? A I returned to locate the third time in the same following fall.
Q In the same following fall? A Yes, sir.
Q About when? A Along about the first of the fall, I don't know exactly.
Q You don't remember the month? A No, I don't remember the month
Q Do you think it was as early as September? A It hadn't got cold yet.
Q The leaves were on the trees? A Yes, the leaves were on the trees.
Q You never lived about Fort Scott Kansas did you? A No, sir, I never did live there.
Q You didn't make a crop on the Stuart farm did you? A No, sir. I don't know nothing about Stuart.
Q Did you make a crop up there? A Yes, sir.
Q On whose place? A I made a little crop on John McFirton's place one year.
Q What did you raise? A I raised a little corn.
Q What year was that? A That was while the war was going on, I think it was in '63.
Q Wasn't you in the army? A No, sir, wasn't in no army.
Q You never made a crop in 1865? A No, sir.
Q Did you make on in 1866? A No, sir.
Q Did you make a crop up there in '67? A No, sir, I wasn't up there

Q Did you know a man by the name of Rector? A Yes, sir.
Q What county was he in? A Bourbon County, (Kansas.)
Q Did you know Mrs. Brumby? A I got acquainted with her down here
Q You never knew her up there? A No, sir.
Q You never saw her before? A Never saw her before I saw her here.
Q Where did you get acquainted with her here? A She was at my house.
Q On Snow Creek? A Yes, sir.
Q You come, then, and located on Snow Creek, did you? A Yes, sir, on Snow Creek.
Q You had built that house in there in February before? A ~~Xxxx xxxxxxxxxxxxxxxx~~ A February before.
Q Where did you spend the winter before that? A The winter before that.
Q The winter before you come down here? A Near Round City.
Q Murrell, do you belong to the Freedmen Protective Association? A Yes, sir.

Objection to by Attorney for Applicant because it is incompetent, irrelevent and immaterial.

Objection overruled by the Commission.

Q Who are your witnesses? A Joseph Ross.
Q Does he belong to that Association? A I don't know whether he does or not.
Q Don't you know the members of it? A Yes, he belongs to it.
Q Who is any other witness? A Steven Looney.
Q Does Steven Looney belong to it? A I don't know whether.
Q Does he belong to it? A I don't know; he lives in another neighborhood.
Q About how far from you? A About three miles.
Q You don't have different~~xxxxx~~ Associations every three miles' A Might have different places where we meet.
Q About how many belong to your association? A I don't know.
Q Well, about how many? A Maybe 20 or 30.
Q Are your meetings held in secret? A No, sir.
Q What is the object of it? A To protect one another and keeping out all people that don't belong to the Cherokee Nation.
Q Have you ever given any information to keep out any from the Cherokee Nation? A No, sir.
Q You have testified for several? A Yes, sir.
Q You were at Fort Gibson? A Yes, sir.
Q You went down there as a member of the Committee? A I went down there with a man.
Q You are down here as a member of the Committee? A Yes, sir.
Q What other witnesses have you got? A Sam Webber.
Q Does he belong to your association too? A I don't know nothing about Sam Webber.
Q Don't you know the membersof your Association? A I know the members where I live; Sam Webber lives At Nowata.
Q Well now, does this Joe Ross belong to it? A Yes, sir.

BY MR. SMITH:

Q What did you say that the purpose of that association was.
A The purpose of that Association is Cherokee Freedman Protective Association, Cherokee Freedman.
Q What is the purpose of it? A It is to protect one another in helping one another through this Court I suppose to be Cherokee Freedmen; on the outside no one belong to it but Cherokee Freedman, or there has no right to be there; that is the order.
BY W.W.HASTINGS: It is a secret order is it? A No, sir; no man comes in there belonging to the United Statesm he has no right in that order.

BY MR. SMITH:

Q Mr. Murrell, do you know how many of those Associations there are? A No, sir; I don't know exactly there may be three or four, four or five, as far as I know.
Q You were asked if you had testified for a good many of the appli-

Q Where was Park Hill? A Down in the Cherokee ~~Nation~~ there.
Q Near what town now? A Tahlequah.
Q Do you know who he belonged to? A He belonged to George Murrell; that is his Massy's name; he belonged to his Mistress, Wendy Murrell, she is a Cherokee.
Q Did he ever belong to anybody else except them? A Not as I know of.
Q Not that you know of? A Not as I know of.
Q Which is the older you or he? A He is older than I am.
Q Do you know whether he went out of the Nation during the war?
A Yes, sir.
Q Did he? A Yes, sir, I guess he did.
Q When did you first see him back here in the Cherokee Nation after the war? A Well we came together come to the Cherokee Nation.
Q Where did you come from? A Come from Fort Scott, Kansas.
Q Where did you come to? A We come on the Verdigris river here Cherokee Nation.
Q Well, when did you come? A We come in the fall of 1866.
Q Where did you come to, what point; you said on the Verdigris river, now whereabouts? A Right close to Goosenock bend.
Q Where have you been living ever since that time? A I have been living right where I live now.
Q Howfar does Nelson Murrell live from you? A It must be three miles or more, about three miles and a half I guess.
Q Something near three miles and a half? A Yes, sir.
Q Well, where has Nelson Murrell been living all this time?
A Been living right where he is now.
Q Since when? A Since we moved there in 1866, the fall.
Q Do you know his wife, Flora Murrell? A Yes, sir.
Q When did you get acquainted with Flora? A Well, I used to know her before the war.
Q How long had she and Nelson been married, do you know? A I don't know.
Q Well, is it a long time or short time? A Been a good while ago.
Q Are they living together up there now? A Yes, sir.
BY W.W.HASTINGS:
Q What was his wife's name when you first knew her? A If I ain't mistaken it is a Melton.
Q Melton? A Yes, sir, if I mistake not.
Q Who did she belong to before the war? A If I aint mistaken, might be mistaken, George Melton, or Lewis Melton, it was the Melton family, there was a whole lot of them.
Q Where did she live before the war? A They did live there a while at Park Hill.
Q Where did you live? A I lived on Illinois river.
Q Do you think they belonged to the Meltons? A Yes, sir.
Q Was she and Uncle Nelson married before the war? A No, sir, I think not.
Q Wasn't they living in Kansas together? A I don't think she was.
Q Well when did you first see them living together? A Well that is when I was telling you I don't know howlong since they was married.
Q When did you first see them, how long ago? A He was up on Snow Creek.
Q Did he bring her back with him when you come with him? A I don't think he did.
Q When did he bring her? A I could not tell you that.
Q You can't say whether he brought her with him or not? A No,sir.
Q Who did he bring with him? A He brought a woman by the name of Eliza.
Q Is she living? A No, sir; she is dead.
Q When did she die? A She has been dead a good while ago, I

could not tell you just how long it has been.
Q How long was it after the war was it until you saw this woman?
A Well I could not say that either, it has been a good while ago.
Q Do you know whether she was ever married before? A No, sir, I could not tell that.
Q What is the first time you were ever down here after the war?
A I come in the fall of '66.
Q That the first trip you ever made? A That is the first trip to my recollection.
Q That is when you moved down? A Yes, when I moved down.
Q About what time in the fall wasit? A Kinda cold, late in the fall.
Q Pretty near Christmas? A It might have been.
Q About how long was it after the treaty, after you heard of it until you come? A I told you once I didn't know about what time, it might have been ~~xxxx~~ close to about a year, couldn't tell you exactly, never kept any dates, I come back in that fall.
Q You never kept up with dates very well? A No, don't know anything about it.
Q You didn't come down with Uncle Nelson in June or July before?
A No, sir.
Q Did he have any house built down there? A If he did I disremember.
Q You didn't see it? A No, sir.
Q Did he have a crop down there? A No, sir.
Q No corn? A No, sir.
Q Have any hay? A Well he might have had hay; I didn't stop around him very long, I moved right across the river.
Q How far did you locate from him? A It must be three miles or three miles and a hald.
Q Did he come in a wagon? A Yes, sir.
Q How many wagons did Uncle Nelson have? A One as I know of.
Q Only one team? A Yes, sir.
Q Well, where did you get in with Mr. Murrell at? A Fort Scott.
Q Did he live there in Fort Sott? A Not right in Fort Scott he didn't.
Q On whose place was he living? A I disremember the man's name now.
Q Do you think you would remember it if I was to call it?
A I don't know whether I would or not.
Q Do you remember a man's name by the name of Stuart? A I don't believe I do.
Q Do you know whether he made a crop down here that year that you moved down here in the winter? A I don't know whether he did or not.
Q He was living on a farm near Fort Scott? A Yes, sir.
Q And there is where you got up with him? A Yes, sir.
Q Do you belonged to uncle Nelson's Freedman Protective Association
A I told you not.
Q You live within three miles from him? A Yes, sir, I could live in the house and then not belong to what he did.
Q He testified for you? A Yes, sir.
Q And you are testifying for him? A Yes, sir.
Q Yet you don't belong to his Protective Association? A Wasn't nobody up there to have as a witness, nobody there; if there had been anybody there I probably would have had different people.

JOE ROSS, being duly sworn by Commissioner T.B.Needles, testified as follows: BY MR. SMITH:
Q State your name? A Joe Ross.
Q How old are you? A I am about 60 years old.
Q Where do you live? A Up in Cooweescoowee.
Q What is your post office? A Coffeyville.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation all my life.

Q Did you go out of the Nation during the war? A Yes, sir.
Q Do you know Nelson Murrell? A Yes, sir.
Q ~~Do you know~~ Was he out during the war, or did you know about that yourself? A Out during the war.
Q Yes, was he out during the war, or didyou know? A Yes, he was out during the war.
Q When did you next see Nelson Murrell in the Cherokee Nation after the war? A When I first seen him me and him came down to the Cherokee Nation from Kansas.
Q When did you come? A In '65 first.
Q Where did you come to? A Down here on the Verdigris.
Q In what district? A Cooweescoowee District.
Q That was Cherokee Nation? A Yes, sir.
Q Well, where have you been living ever since that time?
A I have been living right here.
Q What do you mean by right here? A In Cooweescoowee until we come back.
Q How far do you live from where Nelson Murrell lives?
A We live right close together.
Q How close together? A We stayed pretty near in one house pretty near together.
Q Do you mean now? A Not now, he stays on one side of Snow Creek and I stays on the east side.
Q Howfar do you live from him now? A About two or three miles.
Q Do you know where Nelson Murrell has been living since you and he came back here in 1865? A Yes, sir.
Q Where? A Right where he is living now.
Q And where is he living now? A Verdigris.
Q In what Nation? A Cooweescoowee.
Q Cooweescoowee District you mean? A Yes, sir.
Q Well, what Nation is it in? A Cherokee Nation.

BY MR.HASTINGS:

Q Do you know what Nation this is, are you positive? A I know is is Cherokee Nationall right.
Q Do you know what district it is? A Yes sir.
Q What? A Cooweescoowee District.
Q Uncle Joe, what year is this? A I don't know, sir.
Q Do you know any year? A Mighty little.
Q Don't know anything about dates? A No, sir.
Q Do you know what year you were born? A No, sir, I don't know that.
Q Do you know what year you were married? A No, sir.
Q You don't know about any other than, anything but the one you mentioned? A Yes, sir.
Q That is the only year you know? A No, sir.
Q What other year do you know? A '65.
Q Don't you know any other year? A No, sir.
Q You never heard of any other year? A Yes, sir.
Q What other year did you hear of? A '66.
Q Did you ever hear of any other? A No, sir.
Q You never heard of any other except these two? A No, sir.
Q Where did you live before the war? A Lived with John Ross.
Q Didyou know Nelson Murrell's wife? A Yes sir.
Q Flora? A No, sir; one he lived with up there, I knowed his wife was Eliza Murrell.
Q Well his present wife; is that his present wife? A Yes, sir.
Q Well, I didn't know that that is the wife he is living with now?
A Yes, sir.
Q How long have you known her? A (No response.)
Q You come to Snow Creek did you? A Yes, sir.
Q About what time of the year did you come to Snow Creek? A Come there in '65 the first trip I made.
Q About what time of the year was it? A Well, sir, I don't know what time it was, it was cold.

Q About Christmas? A No, it was not Christmas.
Q Well, wasit before Christmas or after Christmas? A No, it wasn't, it was sometime, it was cold weather, I don't know what time it was.
Q Snow on the ground? A Snow ketched us on the ground before we went back.
Q Who come with you? A Me and Nelson Murrell and Frank Wave.
Q How long did you stay her? A About a week and some nine or ten days.
Q The snow caught you on the ground while you were down here?
A Yes, sir.
Q What did you come down for? A We fetched a load of flour down.
Q Is that the old time you were down here before you moved?
A That was before I moved I come down here.
Q Then the next time you come down you moved? A No, sir, I come two trips, third trip I moved.
Q Who come with you the second trip? A Me and Murrell.
Q Who else? A Posy Bigson.
Q And who else? A That is all I remember.
Q What did you do that time? A We cut some hay and put up.
Q What time of the year was that? A I don't know, sir, what time of the year that was we cut some hay to put up.
Q How long did you say? A We stayed a week or so.
Q What did you cut hay with? A Mowing blade, grass blade.
Q And put it up in stacks? A Put it up in stacks.
Q You didn't build any houses then? A We built our houses before that.
Q Was that in 1866 you come that time? A In '66, wewent up and moved out folks down to our houses.
Q You have lived up there on Snow Creek ever since? A Yes, sir.
Q Uncle Nelton testified for you in your case? A Yes, sir.
Q And you are testifying for him in his? A Yes, sir.
Q Do you belong to Uncle Nelson's Freedman Protective Association?
A I didn't know they had a Freedman.
Q Do you belong to it? A I don't know whether I is or not.
Q Do you belong to an Association of colored people? A Yes.
Q Good many people
Mr. Smith: Mr. Court, I want to make a formal objection because it is irrelevent, incompetent and immaterial.
Objection is overruled by the Commission.
Q I want to ask you if a great many don't belong to that association up there? A (no respon e.)
Q Why, Joe, don't a good many people belong to that Association?
A Not a good many of them.
Q About how many? A I don't know how many there is a few of us.
Q It is a Secret Association isn't it? A I guess it is.
Q You only let certain persons in? A We let a l come in we don't want to come in.
Q Steven Looney belonged to it? A I don't know whether he is or not.
Q You don't know the mehmers of it? A I know 'em, but they.
Q You can't tell them? A No, sir.
Q You are not allowed to tell them? A No, I ain't.
Q You are not allowed to tell the purpose of it are you? A No, sir.
Q It is a secret association then isn't it? A It must be.
Q Where did you see, first know Nelson Murrell's present wife, the wife he is living with, where did you first know her? A I knowed her where she is now, in the Cherokee Nati n.
Q Well, when did you first know her? A I have been knowing her all my life.
Q Who did she belong to before the war? A She belonged to old man Nelton.
Q When did she and Nelson marry? A I don't know, sir, when they married.
Q Before or after the war? A Well, before the war; yes, before the war.

Q Did Nelson bring her down here with him when he came back with you? A No, sir.
Q Well did he bring her down here when he moved his family?
A No, sir, he didn't.
Q Well, who did he bring? A He brunged his wife with him what he had up there, Eliza Williams.
Q That is not the wife he is living with now? A No, sir.
Q Well had he married this wife before the war? A Which wife?
Q This one he is living with now? A No, sir.
Q He didn't? A No, sir.
Q He never married her until after the war? A No, sir.
Q Well, how long after the war until you saw this woman?
A I saw her, don't know how longit was.
Q Did she come along with you people? A No, sir, she didn't.
Q Do you know who brought her down here? A No, sir.
Q Do you know when she come? A No, sir.
Q You don't know how long after the war? A No, sir.
Q Do you people in your Association agree to help each other get up your testimony? A We don't have any testimony to get up.
Q Never made any agreement of that kind? A No, sir.
Q You appointed uncle Nelson as a member to go down to Fort Gibson?
A I didn't appoint him.
Q I mean that Association down there they sent him down there?
A No, sir, they didn't.

BY MR. SMITH:

Q I believe you stated that you didn't see and you didn't yourself know where Flora Melton was when you and Nelson came back down here in 1866? A No, sir; I don't know where she was.
Q Do you know how long it was after that before Flora and Nelson married? A No, sir.
Q Can't say? A No, sir, I can't say.
Q Now, who was Nelson's wife before he married Flora? A Eliza Williams.
Q Eliza was her name was it? A Yes, sir.
Q Well, Nelson was not married to Flora before the war was he?
A No, sir.

FLORA MURRELL, being called and sworn by Commissioner E.P. Needles, testified as follows: BY MR. SMITH:

Q State your name? A Flora Murrell.
Q How old are you? A Well if I remember right I think the last day of this last June I was 70.
Q Where do you live? A I live on Snow Creek between Snow Creek and the Verdigris River.
Q In what Nation? A In the Cherokee Nation.
Q How long have you lived there, in the Cherokee Nation? A All my life.
Q Were you born a slave? A Yes, sir.
Q To whom did you belonged at the time the war commenced? A Lewis Melton and Susie Melton.
Q Were they Indians? A Yes, sir.
Q Citizens of the Cherokee Nation? A Yes, sir.
Q Where were you during the war? A I was up in Big Bend.
Q Where is Big Bend? A Up on the Arkansas River.
Q In what Nation? A Well it was in the Cherokee Nation.
Q Did you go out of the Cherokee Nation at all during the war?
A No, sir.
Q Where were in the year 1866, immediately after the war closed?
A I was at Big Bend, I don't know none of that time.
Q You don't know dates? A No, sir.
Q Well, have you ever lived out of the Cherokee Nation at all?
A Never has.
Q Who were the members of the family of Lew Melton and his wife, about whom you have spoken? A Susie Melton, Nancy Melton and Mary

Melton, and had a daughter named Susie, George and Catherine and Edward Melton, Moses Melton.
Q In what part of the Nation were you living when the war commenced? A We was living on the place where.
Q Don't care about the place but what part of the Cherokee Nation were you living? A Bird Creek.
Q What town would that be as the towns are built now? A There wasn't no towns near us then any nearer than Tahlequah.
Q Well, how far did you live from Tahlequah? A They called it a hundred miles.
Q You don't know how far it was? A No, sir.
Q Now, thisplace you are talking about living what town if any has been built up near that place since? A I don't know sir as there is any, I ain't been to the place since the war.
Q You state that you weren't out of the Cherokee Nation during the war? A No, sir, I wasn't.
Q Have you ever been married before you married Murrell?
A Yes, sir.
Q Who was your husband? A Louin Vann, they called him in Cherokee, his name was Robert Vann in English.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Joe Vann.
Q Was Joe Vann an Indian? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q How long were you and Louin Vann married? A Well, I don't know hardly just how long we was married.
Q Did you have any children while you were his wife? A Yes, sir.
Q What are their names? A We had eight children, I haven't got but three living.
Q Give me the names of these children? A Sonny Smith.
Q Is that a man or woman? A He is a man.
Q And what is the next one's name? A Charley Vann.
Q What is the next child's name of the three living? A Lila Hopkins, she is married.
Q Is that meant for Delilah or just Lilah? A Meant for Delilah but we just called her Lilah.
Q Is she married? A Yes, sir.
Q When did she marry? A She married Oliver Hopkins.
Q Where does she live? A She lives on Caney.
Q In what Nation? A Cherokee Nation.
Q How long has she lived there? A I don't know just how long she has been there, pretty near ever since they have been married.
Q How long have they been married? A I don't know; been married long enough to have seven or eight children.
Q How old is the oldest child? A I don't know, I think she is in her sixteenth year.
Q Where was Lilah before she married? A She was living with me.
Q Where did she live up to the time she was married? A With me.
Q Where does your son, Charley Vann, now live? A He lives in about a half a mile from me.
Q Where? A On Snow Creek.
Q In what Nation? A Cherokee Nation.
Q Is Charley married? A No, sir.
Q What is his wife's name? A Her name is Mizzie.
Q How many childrenhas he got? A One.
Q What is its name? A William Vann, she is a girl.
Q These three children, Charley Vann, and Lilah Vann and Sonny Smith are your children? A Yes, sir.
Q Where had Charley lived up to the time he was married?
A Lived out here with me.
Q Where did Sonnt live? A He lived out home with me, when he was not working out.

Q Where does Sonny live now? A I know not where.
BY COM'R NEEDLES:
Q Flora, you say you never lived out of the Cherokee Nation?
A No, sir.
Q You were born a slave? A Yes, sir.
Q Is your name on the roll of 1880? A Not as I know of.
Q Why is it not on? A I know when they was taking the census of 1880, Rufus Ross taken them, he come up there, he didn't go up to my house, and mother went out and she come back and got me and when I gotup there it was late in the evening and Rufus told me to come back the next morning and meet him at Chouteau and he would put my name down and when I went there he was gone.
Q Your name never did get down? A No, sir.
Q Are you married to Murrell? A Yes, sir.
Q Are you on the Vern-Clifton roll? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Vern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants nfound thereon as follows:
Page 170 #4184, Nelson Murrell, Cooweescoowee District.
Page 125, #3101, Flora Murrell, no district given.
The Wallace rollof Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 127, #2672, W. Nelson Murrell, Cooweescoowee District.
Page 128 #2689, Flora Murrell, Cooweescoowee District.

BY MR. HASTINGS:
Q You made a statement here about Rufus Ross taking the census roll in 1880? A I don't know what year it was, I don't know as I said when he taken the census.
Q You don't know whether it was in 1880 then or not? A No, sir, I don't.
Q Were you living with Nelson Murrell then? A I was married to Mr. Murrell then living at home with him.
Q Do you remember what year you were married to Mr. Murrell? A No, sir.
Q Do you remember how long after thewar? A No, sir, I don't.
Q How old is Charley Vann? A I don't know that just exactly but I think he is along about 33 or 34, I don't know exactly.
Q Where was Charley born? A Born at Big Bend.
Q Big Bend where? A It was up on the Arkansas.
COM'R NEEDLES: Cherokee Nation? A Ut was Cherokee Nation then.
MR. HASTINGS: It was then? A Yes, sir.
Q Where was Delilah born? A On the Arkansas river.
Q Which is the older she or Charley? A Charley.
Q Howmuch older is Charley? A Oh I don't know just exactly between two or three years.
Q Where was Sonny Smith born? A He was born up on Bird Creek.
Q Is he older or younger than the other two? A Yes, is the oldest child.
Q Where were you living when the war come up? A I was living at the Big Bend.
Q Were you then a slave? A Yes, sir.
Q Whom did you belong to? A I belonged to Lewis Melton.
Q Did Lewis Melton ever live in the Big Bend of the Arkansas?
A No, sir.
Q Well who were you living with out there? A I was living with my husband.
Q Had you run off? A Yes, sir.
Q How long had you been away from your owner? A About four years.
Q Had you been living out there in the Big Ben all that time?
A Yes, sir.

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Q You didn't go to Muskogee? A No, sir.
Q Never went outside of the Cherokee Nation? A Well if you call
that strip and one side of the Arkansas river that is where I was.
Q What were you doing up there that four years? A I was hiding.
Q How did you make your living? A My husband was a hunter and
I had friends up there that fed me.
Q What friends did you know up there? A Dude Webber and Skiatook.
Q Skiatook who? A That is all I know I know about him.
Q Was he colored? A He was a Cherokee.
Q Full blood? A I guess he was, he talked Cherokee.
Q Didn't talk english? A No, sir.
Q He fed you did he? A Yes, sir.
Q Who else? A Wiley Butler.
Q Was he a Cherokee? A Yes, sir.
Q Did either Wiley Butler or Skiatook have any family? A Wiley Butler had but his wife was dead.
Q Is any of his family alive now? A I don't know, sir.
Q Is any of Skiatook's family living? A I don't know.
Q Did you work for any people out there? A No, sir; you know I was not working for anybody out there and hiding.
Q What was Dude Webber doing out there? A He was herding cattle out there for his Mistress and I can tell you others that was out there.
Q What was his Mistress's name? A I don't know what his Mistress' name.
Q How far were you from her cow ranch? A It was right in the Big Pond.
Q Did you have a home out there? A No, sir.
Q Just lived out in the woods four years? A Yes, sir, I lived in a cave.
Q On what side of the river? A I lived on the west side.
Q Any towns near? A Not as I know.
Q You never heard of any town? A No, sir, and I never wanted to see any at that time.
Q What was your husband's name? A Louin Vann inCherokee.
Q He was out with you? A Yes, sir.
Q Well after the war closed did you come back? A I come right down the river.
Q In a skift? A I come back in a wagon.
Q From what point? A From the Big Pond.
Q Who brought you? A My husband brought me.
Q Just you and your husband? A And my children.
Q Where did you go to? A When I first come back I come down on Pryor Creek.
Q Is that below here? A I don't know whether it is below here; I think it is below here.
Q You know where Pryor creek is; it runs over about 20 miles and I want to know what part of Pryor Creek? A I come down on Pryor Creek to Mr.; I can't call his name just now.
Q Well how far from Chouteau? A I don't know sir, how far it was from Chouteau.
Q What town was your nearest town? A When I came back?
A Yes. A Wasn't any town there at all when I came back.
Q Don't remember who you lived with there? A I didn't live with anybody but my husband.
Q Did you make a place down there? A No, sir, I just went down there to my mother.
Q What was your mother's name? A Sarah Ross.
Q How long did you stay there? A I stayed there two or three weeks and went to the Verdigris.
Q And how long was that after the war you made this first trip to Pryor Creek? A I can't tell you just exactly howlong that was.
Q Was that the first trip you made here? A My mother was living at Tahlequah the first trip I made down here I went to Ben Grimmetts.

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Q Where was Ben Grimmett living then? A He wasliving on Pryor Creek.
Q Was that in the spring or fall? A It was in the spring, it was getting pretty warm.
Q Did all of your family go with you? A Yes, sir; didn't have any family but my children.
Q And your husband? A Yes, sir.
Q He went with you? A Yes, sir.
Q In a wagon? A Yes, sir.
Q Where did you get this wagon? A I don't know where he went out and got it.
Q You didn't it there during the war? A No, sir; you never seen negroes have wagons and horses about when they run off.
Q I am asking you where he got it? A My husband got it He went out and got it.
Q This first trip is when you come down to Ben Grimmett's?
A Yes, sir.
Q How long did you stay? A I stayed all night.
Q How long did you stay? A I went back to my cave.
Q How long did you stay there? A I don't know exactly how long I stayed there when I went back.
Q Well did you stay there a year? A I might stayed a little longer than a year.
Q That was after the war? A Yes, sir.
Q Did you see anybody on your trip down to Ben Grimmett's?
A Oh, I seen some Indians but I didn't stop to have any chat with them.
Q Did you see any coloredpeople? A Yes, sir.
Q Well, who? A I didn't stop.
Q Where did you see any houses? A Along the road between there and Coney, along.
Q Coney, that is up by Bird Creek? A Yes, sir.
Q Houses along there? A Yes, sir.
Q People living in them? A Yes, sir, I seen some children.
Q Well, now, where did you go to from your cave after you returned there? A The last time?
Q Yes. A I went down toPryor Creek, mother hadmoved there and I went down there.
Q And then how long did you stay down there? A I stayed about two or three years.
Q That was two or three years after the war? A I said weeks, weeks is weeks, and years is years.
Q About how long after the war was that when you went down to visit your mother? A Well, I don't know just exactly, I think it was about two or three years.
Q That is your best judgment? A To the best of my knowledge.
Q You stayed there then two or three weeks did you? A Yes, sir.
Q And then where did you go? A I went back to my place up on the Verdigris.
Q Was your husband alive then? A Yes, sir.
Q Did he move up on the Verdigris with you? A Yes, sir.
Q Where did he die? A He died at Pryor Creek.
Q When? A About five or six monthsafter we got in.
Q And you afterwards married Nelson Morrell? A Yes, sir.
Q Is any of that family, Melton's family, alive that you belonged to before thewar? A There was, I guess you had my young Mistress before you, had Nancy Sage.
Q Is she your young Mistress? A Yes, sir.
Q Was she the daughter of Melton? A Daughter.
Q Did he have any other children? A Oh, yes, he had a house full.
Q What was their names? A Betsy, Nan, Mary and Catherine, and George, Ed, Rose and Susie.
Q Where were they living when you run away? A Verdigris.

Q Flora, what was your father's name? A Sonny Brown.
Q What was your mother's name? A Sarah Ross.
Q You were a slave? A Yes, sir.
Q Where is this Big Bend you have been talking about?
A Up on the Arkansas River.
Q Isit in the Cherokee Nation or Kansas? A In the Cherokee Nation.
Q Is it on what is known as the Cherokee strip? A No, sir, what is what is known as a Cherokee strip as I understand it.
Q That was in the Cherokee Nation? A Yes, sir.
Q This cave was in the Cherokee Nation? A Yes, sir.
Q You never went over to Kansas hiding then? A No, sir.
Q You say you went there three or four years? A Yes, sir; I run away four years before the war.
Q Did your owners ever hunt you up? A I guess they did, they had a reward out for us.
Q They never found you? A No, sir.
(Remainder of Application taken by Stenographer, W.D.Green.)

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J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony andproceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J.O.Rosson.

Subscribed and sworn to before me this 12th day of June, 1901.

(signed) T.B.Needles,
Commissioner.

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Continuation of this case from notes taken by Stenographer, J.O.Rosson, this day.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6,1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife, Flora, as Cherokee Freedmen; NOT WEBBER being sworn and examinedby Commissioner Needles, testified as follows

Appearances: Smith, of Mellette & Smith, for Applicants;
W.W.Hastings, for the Cherokee Nation.

Q What is your name? A Bob Webber.
Q Where do you live? A On Lightning Creek.
Q In what district? A Coweescoowee District, Cherokee Nation.
Q What is your post-office? A Hayden.
Q Howlong have you livedin the Cherokee Nation? A All my life, raised here.
Q How old are you? A Must be about 65.
Q Do you know Flora Murrell? A Yes sir.
Q How long have you known her? A I have knowed her ever since I was a boy.
Q You knew her before the war? A Yes sir.
Q Do you know whether she was a slave or not? A Yes sir.
Q Do you know who she belonged to? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q A citizen of the Cherokee Nation? A Yes sir.
Examined by Cherokee Representative, W.W.Hastings:
Q How long before the war did you know her? A Long time, ever since I was a boy.
Q You knew her when the war come up? A Yes sir.
Q Where was she then? A She was out on the Big Bend of the Arkansas.
Q Were you out there then? A I was out there, judt before the war.
Q How long before the war? A It must have been four years before the war.
Q That's the last time you saw her? A Yes sir
Examined by Attorney Smith:

Q When did you first see her after the war? A I met her down here on Pryor's Creek after the war.
Q How long after? A It must have been about four years after the war.

Examined by Commissioner Needles:
Q Did you know her owner? A Lewis Melton, yes sir, he had a mill down below Tahlequah there, and I used to go to the mill.
Q He was Flora's owner? A Yes sir.
Q Did you see her there then? A Yes sir.
Q Did you see her on Big Bend before the war? A Yes sir.
Q How far was that from her owner's place to Big Bend? A About twenty miles.
Q Was she living there on the Big Bend? A Yes sir, she was staying.

Examined by Cherokee Representative, W.W.Hastings:
Q Living in a house? A No sir, she wasn't in no house.

SAM WEBBER, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Smith:
Q State your name? A Sam Webber.
Q What is your post-office? A Nowata.
Q How old are you? A About 58 as well as I can guess at it.
Q Where do you live? A I live two miles west of Nowata.
Q How long have you lived in the Cherokee Nation? A I was born and raised partly here, and then come back in '66 and have been here ever since.
Q You know Flora Murrell, the wife of Nelson Murrell? A Yes sir.
Q How long have you known her? A Ever since I could remember myself.
Q Was she a slave before the war? A Yes sir.
Q To whom did she belong? A Lewis Melton.
Q Was he a Cherokee Indian? A Yes sir.
Q When did you last see her before the war, how long before the war? A Well just about the tije the war ~~xxx~~ was coming up, we went up to where they lived. They had a ranch up there, my old missus had a ranch and they always sent us up there to gather up cattle.
Q Your mistress had a ranch? A Yes sir.
Q How far did you live from there? A We lived near Tahlequah at the Double Springs, but we would go up there every year to gather up the cattle.
Q How far did you live from the ranch? A I couldn't tell you, it would take us about two days travel to go there where the ranch was, but the miles I couldn't tell you.
Q Where was this you saw Flora when you saw her? A The last time?
Q Yes? A She was in the Big Bend of the Arkansas.
Q How far was that from where Lewis Melton, her owner, lived?
A I don't know exactly, some tenor twelve miles, I guess, maybe little further, I couldn't tell exactly.
Q That was the last time you saw her? A Yes sir.
Q When did you first see her after the war? A I don't know just what year really, but then it was along some three or four years I judge after the war when I met her again.
Q Where did you see her again? A On Big Creek here.
Q How far from here? A It is about nearly 15 miles, I judge
Q Who did she come there with? A Man named Lowan Vann.
Q What relation did he bear to her? A He was her husband.

Examined by Cherokee Representative, W.W.Hastings:
Q How old are you? A I am about 58, as near as I could remember, I don't know exactly my age.
Q You were about 17 years old when the war come up, or 18?
A I was big enough to ride around and herd cattle.
Q Who went up there to this ranch with you? A Bob Webber and Dugh Webber.

Q Bob was alone at the time you saw this party, this Bob that was a witness here awhile ago? A Yes sir, he was older than I was.
Q He would know dates better than you would about that time?
A I don't know about that.
Q You didn't tell anybody about seeing this party up there, this woman? A I was afraid to.
Q You didn't tell your owners? A No sir.
Q You didn't tell your people? A Told my parents,
Q But you didn't tell anything else about seeing her up there?
A No sir.
Q You didn't testify for her five years ago, you didn't tell it then did you? A No sir.
Examined by Commissioner Needles:
Q You knew she was a runaway? A Yes sir, I knowed that all right enough.
Q But you didn't go and tell her owners where she was? A No sir.

Comr Needles: Nelson Murrell applies for the enrollment of himself and wife, Flora; they are both duly identified on the Mams-Clifton and the Wallace rolls; but they cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; they make satisfactory proof as to residence,- by reason of the fact that their names are not upon the authenticated roll of 1880, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

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M.D.Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. (signed)M.D.Green.
Subscribed and sworn to before me this June 8 1901.
(signed)T.B.Needles,
Commissioner.

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File with Cherokee Freedmen D-548, Nelson Murrell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 19, 1901.

In the matter of the application of Nelson Murrell et al for enrollment as Cherokee Freedmen.
Testimony introduced on behalf of Cherokee Nation.
Appearances:
Mellette & Smith, of counsel for applicants;
J.S.Davenport, of counsel for Cherokee Nation.
R.M.ALLEN, being duly sworn by Commissioner Needles, testified as follows:
Mr. Davenport: What is your name? A R. M. Allen.
Q Where do you live, doctor? A I live north about a mile of Coody's Bluff, when I am at home.
Q What is your post-office? A Coodys Bluff.
How long have you lived in the Cherokee Nation? A Ever since 1868.
Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.
Q When you came to the Cherokee Nation in '68 to what point did you come? A Down on what is known as the Journaycake Prairie.
Q Are you a citizen of the Cherokee Nation? A Yes, sir, so recognized.
Q By blood? A By adoption, or marriage.

Q Are a Cherokee? A To A Delaware.
Q How did you come to the Cherokee Nation before or after the Delawares came down here? A Afterwards.
Q Do you know the applicant in this case, Nelson Burrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.
Q Where were you in '89 after you came down to the Cherokee Nation, what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.
Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.
Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?
A Yes, sir.
Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek from Journeycake's was this man Little Buffalo.
Q What was he? A He was a Delaware.
Q Where was the first one, or how many houses was along there? A After you left old man Jounreycake's, the first house would be the Widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of Little Buffalo.
Q Were you out over the country around Snow Creek during that year?
A What year, '68?
Q Yes, that is the year you said you came down? A No, I don't think I was any that year.
Q Well, was you the next year? A Yes, in the fall of '89 I did made a trip to the Kansas line.
Q To what point in Kansas did you go? A Well they were going to build this town called Parksburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake and one Dan Hal D. Hicks, and we went right up the Verdigris Valley.
Q On what side? A East side, and I crossed Snow Creek right where it ran into the river, there was a man lived there, he was living there the last time I was there, by the name of Singleton, I didn't know him.
Q How how from the Kansas line is it to where Snow Creek empties into the Verdigris River, or about how far? A I don't know, four or five or six miles, I don't know how far, it is not a great ways.
Q Do you know whether or not Snow Creek heads in the Territory or Kansas? A I have heard it said it did, but I never followed it.
Q You never saw the applicant, and have been acquainted with him?
A I didnt remember the old gentleman till to)day I met him and some man introduced me to him, Sam Webber I believe.
Q Was there any colored people living there on Snow Creek? A I didn't see any on that trip.
Mr. Smith: What did you say your name was? A Allen.
Q Doctor Allen? A Yes, sir.
Q Are you a physician? A Yes, sir.
Q Physician and surgeon? A Yes, sir, I followed it a while, I graduated in the Rush Medical College in Chicago in '65.
Q Well do you practice medicine out there now? A Well just a little, not much.
Q You went there when? A I landed at old man Journeycake's house on the 25th of July, 1863.
Q Is that on Snow Creek? A No, sir.
Q How far was that from Snow Creek? A Fifteen or twenty miles.
Q Then how long was it from that time until you were on Snow Creek?
A I went on Snow Creek in the fall of '69.
Q How long is Snow Creek? A I don't know.
Q Well, did you go all up and down Snow Creek from one end to the other? A No, sir, crossed Snow Creek, didn't go up nor down it.
Q Then where were you going to? A I was going to the Kansas line

where they were going to build that town called Parkersburg.
Q Did they build it? A They did, afterwards.
Q How long afterwords? A The next time I was there they had quite a town there.
Q How long was that? A Might have been a year or eighteen months, might be not so long, I think I went up there, if I remember right, the 28th day of May, the next spring.
Q Well, did they have any town there when you went there the first time? A No, sir.
Q Did they have any town laid out? A I saw some lumber along down there.
Q Did they have any plat, town plat? A I never heard of it.
Q Didn't you inquire? A Yes, I inquired about it, but I couldn't find any man that would give me sufficient news about it to purchase any lots.
Q Did you buy any lots? A No, sir, I didn't.
Q Did you ever buy any in Parkersburg? A No, sir, never did.
Q What did you go back for the second time? A Well sir, the next time, next May I thought I would go back and buy my household utensils.
Q Did you buy them? A I did.
Q How far was it from Journeycake(s where you started to Parkersburg? A Oh it is 25 or '6 miles.
Q And in what direction was Parkersburg from Journeycake? A Well sir, it is noth , and I believe a little west.
Q How far was Parkersburg from the Kansas line? A Well, they didn't know where the line was in that day.
Q They didn't know? A Not then they didn't.
Q How far is it from where the Kansas line is now? A Well I suppose three or four miles, I never heard anybody say.
Q How you started in the fall of 1869 from Journeycake's, did you? A Yes, sir.
Q Where did you? A I started from home.
Q Where did you live? A I lived up at Coody'd Bluff.
Q How far was that from Journeycake's? A About four miles.
Q In what direction from Journeycake's? A North.
Q Then you started from four miles north of Journeycake's in the fall of '69 to go to Parkersburg? A Yes, sir.
Q How did you travel? A I went horseback
Q And was there a road to travel? A No, there was no road.
Q Wasn't any road? A No, I didn't follow any road.
Q Then did you cross Snow Creek? A Yes, sir, I crossed it.
Q Once or more than once? A I only crossed it once going up.
Q And once coming back? A Yes, sir.
Q Where did you cross it? A I crossed it going up tolerably close to the river at a place where a fellow named Singleton lived afterwards.
Q Well, how far was that from the Kansas line? A I don't know, four or five miles I guess, I think Snow Creek is about that distance from the Kansas line.
Q Well, it is not the same distance from the Kansas line all the way along, is it? A I don't know, I never followed up the Creek,
Q You don't know anything about the community below where you crossed or above where you crossed? A No, sir.
Q All you know is just the place you crossed? A Yes, sir, where I crossed at.
Q Well traveling in the direction that you were going you came right into right angles with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.
Q And crossed the creek? A Yes, sir.
Q You didn't have to follow the Creek? A No, I didn't follow the Creek.
Q You just simply crossed Snow Creek in 1869? A Yes, sir.

Q Well now then you are not prepared to say that this applicant, Nelson Murrell, wasn't living on Snow Creek in '69? A I am prepared to say I didn't see any houses nor farms in the travel.
Q But you say you only touched Snow Creek at one point? A That is all.
Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.
Q Up or down the Creek? A No, sir.
Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it, A Yes, sir, if a house had been out on the Prairie a quarter of a mile fro me them days I could have seen it.
Q Under favorable consditions you could have seen it? A Yes, sir.
Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A Simon Love.
Q Where do you live? A Claremore.
Q How long have you lived in the Cherokee Nation? A Ever since '68.
Q Are you a Cherokee or a Delaware Indian? A Delaware.
Q Did you come to the Cherokee Nation before or after the treaty made with the Delawares and Cherokees? A After.
Q What was your father's name? A My stepfather's name was Buffalo.
Q Well, did he have any English name? A Little Buffalo they called him.
Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.
Q What was your stepfather's name? A Little Buffalo.
Q Well, when you came to the Cherokee Nation, to what point in the Cherokee Nation did you come? A We came on Ceadr Creek, about fifteen miles from Coffeyville, Kansas.
Q On what side of the Verdigris River did you locate? A The east side.
Q How far from what is known as Snow Creek? A Six or seven miles I should judge.
Q Do you know, and did you know at that time, where Snow Creek empties into the Verdigris River? A Yes, I don't know exactly where it empties, then.
Q Had you ever been on Snow Creek? A Yes, sir, I had been on Snow Creek, but I had not been to the mouth of the Creek.
Q When you located in '68 on Cedar Creek did you make any trips or anything up and around Snow Creek? A Yes, sir, we used to go up Snow Creek going to trade up there on Pumpkin Creek in Kansas, we did our trading up there, a man by the name of Lushbaugh kept a store.
Q Who was living on Snow Creek at that time? A I don't remember that there was anyone living there.
Q Was there any houses there? A There was one house there that I can remember, a carpenter that built our house lived there, a man named Baker, in the fall of '85 he built our house.
Q Do you know the applicant in this case, Nelson Murrell? A Yes, sir.
Q Well, how long have you known him? A I just can't tell how long.
Q Do you know where he lives now? A Yes, sir.
Q Well where does he live now in regard to where that fellow Baker lived at that time, how far? A He was right south, right at the edge of the flat, Snow Creek and Verdigris flat is where Baker lived when I went after him to come and build our house; I think that was in the fall of '68.
Q Where does the applicant live with reference to that? A Right north of it.
Q About how far? A I can't tell you how far.

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Q Do you know how far; that is what I am trying to get at; have you ever been to his house? A No, sir, never was at his place
Q You don't remember then how long it has been since you knew this applicant, Nelson Murrell? A No, sir, I don't remember.
Q Well, was there any colored people living around that section of the country that you saw when you went up to Baker's? A No, sir.
Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.
Q Where were they living? A Living on Snow Creek.
Q That part of Snow Creek with reference to where it empties into the Verdigris River? A I should judge about three quarters of a mile or a mile I should judge of the mouth; of course I have never been to the mouth of Snow Creek.
Q When did they come in there and locate, if you know? A I don't know when they came in.
Q Well, how long have you known that family? A Well I have known them quite a while.
Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.
Q Well, where were they living with reference to the locality of where Baker was living, when you got acquainted with the Little family? A They lived southeast of where Baker lived.
Q Well, did they live nearer the river than Baker did, or farther away from the river than Baker? A I think they lived a little farther away, a little farther east.
Q How long since you have been in that locality? A I have been in there quite a while, I don't know really.
Q I believe you stated you came down after the Delawares made the treaty with the Cherokees, or before, which was it? A Afterwards.
Q Did you come the same time the Delawares came, or did your father move the same time they came? A Same time, his was the first train that came down.
Mr. Smith: Mr. Love, you and your family were among the first Delawares that came to the Cherokee Nation after the Delawares made the treaty with the Cherokee Nation? A Yes, sir.
Q And you have lived in the Cherokee Nation ever since? A Yes, sir.
Q You are a citizen of the Cherokee Nation? A Yes, sir, only what time I have been out to school I didn't live here.
Q Well now at what place did you locate when you first came here, your family? A Right near the mouth of Cedar Creek.
Q How far was that from the Kansas line? A On a straight line about eleven or twelve miles.
Q What direction? A South.
Q Into what stream did Cedar Creek empty? A The Verdigris.
Q Into what stream did Snow Creek empty? A The Verdigris.
Q Were you ever at the place where Snow Creek empties into the Verdigris? A No, sir, I never was right at the mouth of the Creek.
Q About how far north of the mouth of Cedar Creek was the mouth of Snow Creek? A Well straight through, it is about seven or eight miles.
Q The way the roads ran how far was it? A I should judge about that, the road ran pretty straight through.
Q Well, did you have a house to live in when you first came there? A No sir.
Q What season of the year did you come to the Nation? A February.
Q When did you get a house? A Got a house the next fall; that is, a man built our house.
Q How old were you when you came here? A I was about 15.
Q Where did you remain during the months from February until you got your house built the following fall? A Right at home there.
Q Now you know this old man Nelson Murrell? A Yes, sir.
Q And you have known him a long time? A Quite a while, I can't remember just what time.

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Q A great many years? A I can't remember how long.
Q Been so long you can't remember when you first did know him? A Been fifteen or twenty years.
Q Been longer than that, hasn't it? A I don't think it has.
Q How long has it been since you first came down here? A I came here in '56.
Q Tell how many years? A 35 years.
Q Well now about how long have you been knowing old man Nelson Murrell? A I should judge about fiteen or twenty years; when my mother died I left there, went to old Mrs. Connor's.
Q How many years was that after you came down to the Cherokee Nation, that you went to Connor's? A About '71.
Q About that? A Yes, sir.
Q You had been in that Cedar Creek country then only two or three years when you left there? A Yes, sir, that was all.
Q You were still a boy when you did leave? A Yes, sir.
Q Now you didn't go, while you were up there, to the mouth of Snow Creek, where it empties into the Verdigris? A No sir.
Q You know how long Snow Creek is? A No, sir.
Q You know how far it is from the mouth of Snow Creek to the point where Snow Creek enters Kansas, or the Territory from Kansas? A No, I have no definite idea, about five or six miles though.
Q You don't know; you never were up the Creek then from the mouth of the Creek up to the Kansas line? A Only right there along the roadwthere I crossed Snow Creek.
Q Now where would you be going when you would cross it? A Well, up into Kansas.
Q To what poin t? A A place they called Clymore, on Pumpkin Creek, a trading point, or post.
Q Now what was the nearest town of any note to you in the Cherokee Nation, store or post-office, or anything of that sort? A There was none.
Q How far did you live from the mouth of Cedar Creek? A About a mile, not quite.
Q Then you were about a mile from the Verdigris? A Yes, sir.
Q And about a mile from the place where Cedar Creek enters the Verdigris? A West of where it enters the Verdigris, it makes a bend there.
Q When you had to go to Kansas, what direction did you travel? A North.
Q In what direction did Snow Creek run? A Well I think it ran northeast, that is, it headed northeast and ran southwest I think.
Q Well, it was more or less of an east and west course, wasn't it now? A Yes, sir, southwest and northeast..
Q Well did you go anywhere else, have occasion during the time you lived there to go any other place except Clymore in Kansas?
Q Well I went after that carpenter that built the house.
Q I mean outside of the carpenter and Clymore? A No, sir.
Q So when you went to Clymore you crossed Snow Creek? A Yes,sir.
Q Do you know how far you crossed it from the mouth? A I judge about a mile and a half, it is what they call now the Reed crossing, Luman Reed Crossing.
Q Now do you know how far that is from the mouth of Snow Creek? A I should judge about a mile and a half or two miles.
Q Or two, and might be further? A Might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.
Q Now then when you were traveling from where you lived to Clymore you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.
Q Now then you can't swear Nelson Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.
Q You can't swear he didn't live there? A No, I can't.
Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any houses there.
Q How about a mile up the creek or a mile down the creek? A That I can't tell.
Q You don't know, do you? A No, I don't think there was any houses.
Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the Creek or a mile down the Creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles testified as follows:
Mr. Davenport: What is your name? A John Secondine.
Q Where do you live? A Up at White Oak.
Q That your post-office? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 34 years; since '68.
Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.
Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.
Q Well, what year was that in? A When I first came here, that was in '67, in August.
Q Well, when you came to the Cherokee Nation in '67 in August, to what point did you come? A Well we came up there about Snow Creek.
Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.
Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.
Q How long did you stay there? A Well, we stayed there as much as a week or ten days somwehre along there.
Q Was there any houses around there? A No, sir.
Q Well, were you up and down the Creek any, or did you just camp and stay in one place? A No, we looked all around the country there we came down here to find locations to settle on, we went up and down the Creek, in fact we traveled all around the country there looking at the country.
Q Any houses at all that you found; if so, where were they and who was living in them? A No, sir, never saw any houses.
Q Were you down the Creek to where it empties into the Verdigris? A Yes, sir.
Q You went up the Creek above where you camped, did you not, towards the Kansas line? A Went up pretty near the head of the Creek, it is pretty much all prairie up there.
Q Do you know the applicant here, Nelson Murrell, that old gentleman (indicating applicant)? A I have seen him.
Q Was he living there on Snow Creek when you were down there in '67? A I didn't see him, I didn't see anybody, there was no settlement there.
Q You went up and down the Creek you say? A Yes, sir, there was no settlement there.
Mr. Smith: You live out here close to Vinita now? A Yes, sir, I live at White Oak.
Q About how long have you been living there? A I have been living there 16 years I believe.
Q You related in any way to Journeycake? A Yes, sir.
Q What relation? A Second cousin I believe.
Q How far did you live, when the Delawares first come down in the Cherokee Nation, from Journeycakes? A I lived six miles above, north
Q Six miles north of Journeycake's? A Yes, sir.
Q How far from the Kansas line? A That is about twenty miles, somewhere along there, I guess.

Q How far is it to the town they started up there in Kansas calle Parkersburg? A Let's see, I guess it is close onto twenty or twenty two miles I guess.
Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.
Q What direction, west, or north? A East.
Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.
Q Twenty miles from the mouth of Snow Creek? A ~~It must be~~ yes sir.
Q Do you know a family in there by the name of Love? A Yes, sir.
Q Where did they live? A They lived up there below Gooseneck Bend, that they call now.
Q Up close to Verdigris River? A Well they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.
Q How far from the Kansas line? A I guess it must be about ten or twelve miles.
Q How far from you? A Oh about 10 miles.
Q In what season of the year did you arrive in the Cherokee Nation? A Well I think the 9th day of February.
Q Who did you come with; that is, I mean your own immediate family, your father? A No, my mother.
Q Well, where did you live when you first came here; did you have a house? A No, sir, I didn't build any house that spring, after we got here we stopped over until grass came up in the spring of '68,
Q And then built a house? A No, I didn't build any house then, we moved over to Grand River that spring and made a crop over there.
Q How far from this place on Verdigris? A This was on Grand River, it is about forty miles.
Q Now if I understand you, you came on the Verdigris River about '67? A I want you to understand this: we didn't move down in '67, I came down here to look at the country.
Q Then what did you do? A I went back to Kansas.
Q How long did you stay? A Well, we stayed a year.
Q It took you a year to look at the country? A No, we stayed about two months here.
Q Then, in '67? A Yes, sir, two months on the Verdigris.
Q About twenty miles below the mouth of Snow Creek? A No. we stopped up there about ten days ~~onee~~ Snow Creek.
Q Well, when did you stop on Snow Creek? A In '67.
Q What time? A In August.
Q In August, '67? A Yes, sir, I don't remember the date, but it was in August.
Q Well, about what point on Snow Creek did you stop? A Well about three miles above the mouth of it.
Q And then you came on down about twenty miles below the mouth of Snow Creek on Verdigris? A Well, we camped on down, we would stop and camp a week or so and then move on down a piece.
Q Then you was coming how long altogether, about two months? A. Two months.
Q Then you went back to Kansas? A Yes, sir.
Q How long did you stay in Kansas? A We stayed till- I left there in February, about the first of February.
Q What year, '68? A '68.
Q Where did you go? A Came down here.
Q To Grand River? A No, sir, we came on down the same route we came when we came the first time.
Q How long did you stay in that part of the country where you first came to? A Well about two months.
Q About what time was it when you moved out of that neighborhood
A It was about along in the first of April, somewhere along there.
Q Then did you move to Grand River? A Yes, sir.
Q That was 35 or 40 miles away? A Yes, sir.

Q Were you back in there at any time soon? A I came back again before Christmas.
Q Back in there again? A Yes, sir.
Q Where were you then? A I was over there about Coodys Bluff.
Q Up about Snow Creek? A No, below there.
Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the Territory, the Cherokee Nation? A Well I can't exactly tell, it is not very far.
Q Well not guessing at it, but stating it from your absolute knowledge, do you know? A How far from the Kansas line; well there used to be two miles, there was a two mile strip there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.
Q You mean the mouth of Snow Creek? A Yes.
Q Then you camped right exactly on the Kansas line? A No, sir.
Q I thought you said you camped three miles from the mouth of Snow Creek? A Up Snow Creek.
Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A No, I guess not.
Q It has to be up Snow Creek if it was anywhere? A Yes.
Q Well you said you camped three miles from the mouth of Snow Creek? A Yes.
Q Then you were right exactly on the Kansas line, weren't you? A No I was right east; Snow Creek runs kinder east, kinder of northeast.
Q Well, wasn't there anybody living on Snow Creek at all? A No, sir, I didn't see anybody to my knowledge, there wasn't anybody livig there.
Q Well, there was a carpenter living there that built this fellow Love's house? A The Delawares never moved here till '68.
Q You said you were back there in '68; what I am asking you about, you were back there in '68, were you on Snow Creek then? A I think I was there.
Q Wasn't anybody living there? A I didn't see any; I didn't stop then, only just I was on the road, I didn't stop to look around like I did the year before.
Q Well you don't know when this carpenter that this other witness got up there to build his house, built his house up on Snow Creek, do you? A No, sir.
Q Can't say that wasn't there in '68 though, can you? A No, sir, can't ~~xxxx~~ swear it wasn't there.
Q Can't swear it wasn't there in '67? A Well sir I don't believe it was there.
Q You don't beliebe it was, but you don't know? A Because I didn't see them, there was no settlement there.
Q All you know is you didn't see any houses there? A It would have to be apretty small house if I didn't see it.
Q Well, they didn't build brown stone fronts, five story houses up there in that time? A No, sir, they built cabins.
Q What was it along Snow Creek, timber of prairie? A There is some timber there.
Q You could stick a little cabin around there most anywere, couldn't you; well that is all you know about it, Mr. Secondine, that you didn't see a house there; you can't say that Nelson Purrell didn't have a house there and you can't say he wasn't living there when you first went there, positive, upon that date? A I didn't see anybody and didn't see any houses.
Q But you can't say he wasn't there? A No, I can't say he wasn't there, but I didn't see any houses, and didn't see anybody, no colored people.

HENRY WELTON, being duly sworn by Commissioner Beeales, testified as follows:
Mr. Davenport: What is your name? A Henry Welton.

Q Where do you live? A I live up on Snow Creek.
Q How long have you lived up on Snow Creek? A Well I don't know now, I had a man to figure up how long I had been on Snow Creek, I have been on Snow Creek 27 years, the way he figured it.
Q Do you know the applicant here, Nelson Murrell? A Knowed him all the days of my life.
Q Was he living up there when you lived up there? A Yes, sir,
Q Near what place, how far is he living from where Snow Creek empties into the Verdigris? A Go right straight through the flat, it is about two miles I think to the mouth of Snow Creek.
Q Where were you living when the war broke out? A Living on Bird Creek
Q You know where Nelson was? A Yes, sir.
Q Was he there with you? A No, sir, he was down here to Park Hill
Q Do you know of your own knowledge, or how do you know where he was when the war broke out? A Yes, sir, I know, because I used to go from Bird Creek down there.
Q How long before the braking out of the war had you been down there? A I don't know, I can't tell.
Q Well, had it been a year or two years or six months; what do you think about it; I want to get the facts there, about how long it had ben before the war came on? A I can't tell you.
Q You and Nels belonged to the same man, did you, before the war? A My mistress' daughter married Uncle Nelse's young master, John Lave.
Q Who did Uncle Nelse belong to when he went by the name of Murrell? A George Murrell.
Q Is that the same George Murrell that lived in Virginia part of the time and here part of the time? A I guess that is the one;, I don't know it.
Q I will ask you if it is the same Murrell that lived near Park Hill at the spring, the big spring on the road there going out towards Wagoner from Park Hill? A Yes, sir.
Mr. Smith: I object to that, because it is leading.
Q Did you knowxxhChlora? A Yes, sir.
Q Do you know whether or not she is the wife of Nelson Murrell now? A Yes, sir.
Q Who did she belong to? A Belonged to Lewis Melton, he raised both of us.
Q Where was Chlora when the war came on? A I don't know where she was.
Q Was she there at home? A No, sir, she wasn't here when the war broke out, she went off.
Q Well, did she just go off of her own accord, or do you know about that? A No, she run off.
Mr. Smith: This Chlora Murrell was owned by the same man that owned you, you say? A Yes, sir.
Q What was his name? A Lewis Melton.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q And he was living in the Cherokee Nation at the time the war commenced? A Yes, sir.
Q And Chlora Murrell had run away from him and you don't know where she was? A Don't know where she was.
Q Mr. Davenport: Do you know who she run off with? A Yes, sir, my woman will tell you that.

Taking of testimony continued by Stenographer J.O.Rosson.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)Bruce C. Jones.

Sworn to and subscribed before me this the 8th day of November, 1901.

(signed)T.B.Needles,
Commissioner.

October 19th, 1901.

Taking of testimony in matter of the enrollment of NELSON MURRELL, Wt. Ad., C.P.-D. #540, continued. Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:
Mr. Smith, of Counsel for applicants;
Mr. Davenport, of counsel for Cherokee Nation.

MINTIE NELTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation.

MR. DAVENPORT: What is your name? A Mintie Nelton.
Q Where do you live, Mrs. Nelton? A On the Verdigris.
Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.
Q You know the applicant, Nelson Murrell? A Yes, sir, I know him.
Q Do you know his wife? A Yes, sir.
Q How long have you known her? A I knowed her a little while, I knowed her in slave time, before the war.
Q Well, do you know where she was when the war broke out? A No, sir, I don't.
Q Did she belong to the same parties that you belonged to? A No, sir.
Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.
Q Was she a slave of the same parties you were? A No, sir.
Q How far did she live from you? A 12 miles I think.
Q Well, you say you don't know where she was when the war broke out? A No, sir.
Q Had she left the country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.
Q What was your father's name? A His name was Robert Vann was his name.
Q Where was he when the war broke out, do you know? A No, sir, I don't.
Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.
Q About when did you see him? A When did I see him?
Q Yes? A I can't tell exactly when it was.
Q Well, have you seen Nelson's wife after you came back after the war? A This lady he has got now?
Q Yes. A No, sir, they lived up here.
Q I mean since you have moved up in this country? A Yes, sir.
Q Is she the same woman you knew before the war? A Same woman.
Q And you say you didn't know where she was? A No, sir.
Q Was she with her owners that owned her when the war broke out? (No response.)
Q Was she at their home? A Well, I don't beliebe she was right at home.
Q Do you know where she was or what became of her? A I don't know where she was.
Q Do you know how she came here, what the circumstances of it was? A I guess she went off.

Mr. Smith: I object to what she says.

Witness: She lives with Lewis Nelton and I live on Caney.
Q Isn't it a fact that your father and she ran off and left this this country before the war broke out?

Mr. Smith: I object to the question, if the Court please, because it is leading, and the applicant says she does not know.

Com'r Needles: Let the objection be entered.

A She was at home and I was at home; I don't know where she went

to and I never visited there.
Q Wasn't it understood by you that she and your father ran off together before the war and left the country? A
Mr. Smith: I object to that.
COM'R NEEDLES: You know whether your father and she went off together? A I guess so; they lived at Melton's and I lived at home.
MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't no time to know where anyone lives.
MR.SMITH: How far was it from where Lewis Melton lived to where you lived? A 12 miles.
Q You don't know what took place when the war broke out? A No,sir.
Q You don't know where she was when the war broke out? A No, sir.

HENRY MELTON, recalled, further testified:
MR. DAVENPORT: Henry, what was your wife's father's name, do you know? A Robert Vann.
Q Did he belong to the same men you did? A No, sir.
Q Did you ever know him before the war? A Yes, sir, he was living with Joe Vann.
Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.
Q Well, where was she when the war broke out? A I told you she was gone.
Q Do you know where Robert Vann was? A He must have been with that woman.
Q Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and stold Flory from my Masters.
Q Where did they go? A I don't know where they went.
MR.SMITH: How do you know he stold her? A Wasn't I there when he brought her there to where I was.
Q Did you see him? A Yes, sir, and talked with him.
Q Did you? A Yes, sir, and hoped him get off that night.
Q What night? A The night he left, and then I met my old Boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Lowin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.
Q Where did Joe Vann live? A On Grand River, in the Cherokee Nation.
Q And you think he had Flora over about Joe Vann's? A I don't know.
Q What did you say about Joe Vann? I said I was there when he brought her there.
Q Didn't you say awhile ago that that is where she was when the war broke out? A No, sir.
Q Have you told now all you know about thiscase? A Yes, sir.
Q Have you left anything for your wife to say? A No, sir.
MR.DAVENPORT: Just told the Facts? A Yes, sir.
MR.SMITH: This is the second time you have been on the stand isn't it? A Yes, sir.
Q Were you asked the question the first time you were on the stand who did Flora run off with; were you asked that question? A Yes, sir.
Q The first time you were on the stand? A Yes, sir.
Q Did you say "I don't know, my old woman can tell you?" A I said-
Q Did you say "I don't know?" A No, sir.
Q You didn't say that at all? A No, sir.

PHILLIP R. CAESAR, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:
MR.DAVENPORT: What is your name? A Phillip R. Caesar.
Q Where do you live Mr. Caesar? A Muskogee.

Q Where were you at the close of the war? A At the close of the war I was in the war, in the army.
Q Where were you mustered out? A I was mustered out at Fort Leaven worth.
Q Well , after you were mustered out where did you go? A After I was mustered out I came to the Territory.
Q That part of the Territory did you come first? A First I came to Cherokee Nation.
Q Near what point? A Were on the Verdigris somewheres about the Verdigris, little creek called Snow Creek.
Q How long did you stay in that vicinity there? A I stayed there only one season, one year.
Q What year did you come to the vicinity of Snow Creek, Mr. Caesar? A It was '67, Spring of '67 that I came.
Q Well be it when it may when you came there, who were living on Snow creek? A Wasn't anybody.
Q Was there any improvements made by anyone around there? A No, sir, only improvements I knowed of there at the time and they were little, and then I-- not an improvement, but just fencing and put in a little crop of corn the year I came there.
Q How far was the improvements thatyou made from where Snow Creek empties into the Verdigris? A Well, now, I couldn't tell you; it was a very short distance; we stayed right in a flat near the mouth of Snow Creek and Verdigris.
Q Short distance away? A Yes, sir.
Q Are you acquainted with the applicant here, Nelson Murrell, the gentleman who sits there, the old gentleman on the front seat? A No, sir, I am not personally acquainted with him.
Q You are a citizen of the Creek Nation aren't you? A Yes,sir.
Q Well, during the time you lived there did anyone come in there and settle on the creek, or near there; do you remember the names of anybody? A I don't remember the names of anybody. Before I left there they was a family started an improvement up the Snow creek above I and also one up the Verdigris; up the Snow creek from the mouth and up the Verdigris from the mouth of Snow Creek.
Q That was before you left there? A Yes,sir.
Q Was there any Indians in that part of the country before you left? A Yes sir.
Q Do you remember any of their names? A Oh, yes, I remember there was an Indian there that I did some work for, man by the name of Love.
Q You did some work for him before you left there? A Yes, sir.
Q Do you remember his first name? A The young man employed me at the time there was Simon, and Sam.
Q Where did they live with reference to where you settled, or had they built improvements at that time? A They had started their improvements, they was down across the Snow creek from where I was.
Q Were you on the north side, what I would call the north side of Snow Creek, or south side; I mean by that, were you in between the river and Snow Creek? A Between the river and Snow creek.
MR.SMITH: How far were you away, Caesar, from the mouth of Snow creek? A In about, I could not tell, it was a short distcane it was just a flat.
Q Mile or ten miles? A About somewheres, a mile, might be a mile or mile and a half.
Q From the mouth of Snow creek? A Yes, sir.
Q How far was that from the mouth of Cedar Creek? A I don't know a creek by that name.
Q How far was that from the line of Kansas? A The exact distcane I couldnot tell; it was not very far.
Q About how many miles, as near as you can come at it? A Well. if I would have to say according to my judgment, because at the

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time I never paid any attention whether it was half or 25 miles, butliving there, to Chetopa it might have been four or five miles, that I would say that then it would be just according to my judgment.
Q Well, when youleft there did you leave for Chetopa? A When I left there?
Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to this man Love, and from Love's I went to Chetopa.
Q How far did you live from Snow creek? A I raiseduxxxxx one little crop on Snow Creek.
Q When did you get there? A Along in the spring, about February or March.
Q Did you have a family? A No, sir.
Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
Q Lived in Little's house? A ~~I lived~~ Yes sir.
Q ~~Where did you live~~ About a mile or a mile and a half from Snow creek? A Yes, sir.
Q Did you live right on the bank of Snow creek? A No, sir.
Q How far did you live? A Somewheres about a mile from the river.
Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
Q Now, how long is Snow creek? A I don't know.
Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas? A I don't know.
Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
Q You have been in the State of Kansas? A I have been, but I can't tell how long the creek is.
Q So you don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir, I could not tell you.
Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned? A No, sir.
Q Timber along there wasn't it? A Yes, sir, timber on up and down the creek.
Q You don't pretend to swear that man Nelson Purrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
Q You don't know how long those families had been there in that part of the country? A No, sir.
Q Where they came from? A No, sir.
Q Don't know anything about it? A No, sir.
Q How long were you in the army? A In the army about two years and two months.
Q Where did you join? A I joined about the 9th of August.
Q What year? A '63.
Q And how long were you in the army you say? A I was in the army two years and two months somewheres about that.
Q What time did that let you out? A I got out in September, well, in about, I was discharged in September, '65.
Q Where were you when you were discharged? A Fort Leavenworth.
Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the spring of '67.
Q Well, how many years? A Well, from '65 until '67.
Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.
Q How long before you got into the Creek Nation? A I could not tell just how long, just back and forth, I was alone, single and I went to and from from one country to the other.

Q Where did you first go, to the Creek Nation after the war?
A I went to the Creek Nation the first year I came and left from the Creek Nation, then back to the Cherokee Nation at the settlement called the Big creek settlement.
Q Don't you know when it was you first went to the Creek Nation?
A No, sir.
Q How did you get to be a citizen of the Creek Nation? A By Act, passage of Council acknowledging my arrival.
Q When? A I was in the Creek Nation in the limit, the 12 months
Q Twelve months from when? A From April the 13th or 16th I suppose.
Q April 16th, what year? A From the passage of the treaty.
Q When was that? A '67, April, '67.
Q When you worked for Love where did he live? A Cherokee Nation.
Q Have a house to live in? A Oh, yes, he had a little, just little place started and I worked for him.
Q Just started; well, was it a house or not? A House I suppose.
Q Don't you know, don't you know a house when you see it?
A Yes, sir.
Q Was it a house or not? A Yes, sir.
Q Now, what year was that? A That was the year of '66, it seems to me it was the year after I left Snow Creek.
Q How early in '66 and how late? A How, the days of the year, and so on, I could not tell; it was about hay making time.
Q Do you know who built his house? A No, sir, the house was there when I went there.
Q Do you know anything about a carpenter before that time that liced up on Snow Creek and built Love's house? A I don't know.
Q Wasn't any living up there? A I don't know.
Q You didn't see him? A I didn't see any, I wasn't acquainted with the people.
Q People lived around there that you didn't know anything about?
A I don't know; it might have been these people I am talking about.

Comr Needles: This testimony will be made part of the record in the case at bar, and it will be also made part of the record in Cherokee Freedmen doubtful cases #650, #552, #768, #921, #788 and #994.

---oooOOOooo---

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed) J. O. Rosson.

Subscribed and sworn to before me this October 15th 1901.

(signed) T.B.Needles.
Commissioner.

M.D.Green, being first duly sworn, states that as steno rapher to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this February 4th, 1902.

Commissioner.

MISS
NOV

File with case of William Love, C.F.-D.#479.

Supl. order C.F.-D.#473.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 22d, 1901.

SUPPLEMENTAL ORDER in Case of Charles Williams, et al/, Cherokee Freedman doubtful card #473, for enrollment as Cherokee Freedmen:

Commissioner Needles: The representatives of the Cherokee Nation request that the testimony in D-548, case of Nelson Murrell, be made a part of the record in the case of Charles Williams, D-473, and D-475.

And that the testimony in case of Emma Powell, D-475, be made part of the record in case of Sarah Robinson, D-476, and Nettie Powell, D-478, and William Love, D-479.

---oooOOOooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this November 11th, 1901.

Commissioner.

F. D. 475.

File with Cherokee Freedman D- 479, William Love.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 29,1902.

In the matter of the application of Emma Powell for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL TO D-475.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation..

DANIEL SANDERS, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Daniel Sanders.
Q Where do you live? A Big Creek.
Q How old are you, Mr. Sanders? A About 59 years old.
Q Are you a freedman? A Yes,sir.
Q Recognized Freedman? A Yes,sir.
Q Did you know Emma Powell? A Yes,sir.
Q Well did you know her father? A Yes,sir.
Q What was his name? A Ben Alberty.
Q When did you first become acquainted with him? A In the spring of '67.
Q Who did Ben belong to or do you know, just incidentally? A I don't know which one of the Albertys.
Q Well do you know what became of them during the war? A No, I don't know that.
Q Do you know when he first came back with his family after the war? A I saw him along about the first of April, '67; he was living on Snow Creek.
Q Well do you mean you saw them there in '67 on Snow Creek? A Yes, sir.
Q Well do you know how long they had been living there then; that's the first time you had seen them? A That's the first time I had seen them.
Q Well they had a place there and lived there? A Yes,sir.
Q Lived in a house? A Yes,sir.
Q Well now who was his family, what did his family consist of? A Well I think there were three or four children; I don't know just exactly.
Q How long did he live there? A Lived there till he died.
Q Well how long did that take? A Oh, I don't remember what year it was he died.
Q Well what became of Emma; was Emma, you say was his daughter; about how old was Emma at the time you first knew her? A She was a small girl.
Q What became of her? A She married a fellow by the name of Long.
Q Did she continue to live there? A Yes,sir, lived right there.
Q Who was Long; where did he live? A Over there on Snow Creek.
Q Did she afterwards- what became of Long, do you know? A I think he died.
Q Then who did she marry? A This man Powell.
Q And where did she continue to live? A Over on Snow Creek.
Q In the Cherokee Nation? A Yes,sir.
Q Do you know whether she is still alive or not, Tuck? A No,sir, she's dead.

Q When did she die? A I don't just really know; I never kept the dates of it; seven or eight months.
Q Has it been this year; in the last few months; or what is your recollection? A I never kept no account of it; I wasn't home when she died, and never kept no count of it.
Q Has she died since the Commission made its round about a year ago? A I think so.
Q Well what was there about the place where this man was living when you saw him in the spring of '67? A Why he had a log-house, you might say, a good-sized pole house, and a little field, and a horse lot and a cow lot.
Q Did he have any crop? A Yes,sir, he had a grain crop, about seven or eight acres of land up on Snow Creek.
MR. HASTINGS: Where were you going, Dan, when you saw him? A I was going to a little place called Claremore.
Q How long had you been in there yourself? A I had been there a good while.
Q How long had your mother and the women folks been there? A Quite a little while.
Q Do you remember them searching your wagons away up there near Fort Scott for Eli Mackey? A Nobody ever searched a wagon of mine.
Q Did they search anybody else along in your crowd? A Don't know anything of it.
Q Don't know anything about that? A No,sir.
Q You never heard of it before, did you? A Not until I have got here in the last day or two.
Q You have heard it around here the last day or two? A Yes,sir.
Q These colored fellows have been telling you? A I just heard that there was such a statement, but I never knew anything of it until now.
Q Then you heard of it the last day or two? A Yes,sir, I don't know who told me.
Q You never saw these parties until April of '67? A No,sir.

REUBEN SANDERS, being first duly sworn, testified as follows:

MR. SMITH: State your name? A Reuben Sanders.
Q What's your posteffice, Mr. Sanders? A Centralia, I. T.
Q How old are you? A Well I generally guess at it, I don't know it
Q Well guess at it? A I am something near about 50.
Q Well are you acquainted with or were you acquainted with Emma Powell in her life time? A Yes,sir.
Q When did she die, Reuben? A She died last March.
Q March,1902? A Yes,sir.
Q This year? A 1902, yes,sir.
Q Did you know her father? A Yes,sir.
Q What was his name? A Ben Alberty.
Q Where did he live? A He lived on Snow Creek.
Q When did you first know of him on Snow Creek, first see him on Snow Creek after the War? A It was along in the spring of '67, when I first seen him after the war.
Q Was that the first time you saw him at all anywhere in the Cherokee Nation after the war? A Yes,sir, it was the first time I saw him in the Cherokee Nation after the war, but the first time I saw him it was along in the last part of '65 or '66.
Q Well where was he then? A He was then- I and his children was going to school together, we lived in about something like 25 or 50

Yards apart in Fort Scott, Kansas, and he come there and got his children; come in here for the Nation.
Q Well when you was down to his place in the summer of '67 did he have his family there? A Yes,sir, he and his children were living there.
Q Well who were his children? A Emma, and one they called Charlotte, and another one they called Ben, and one they called Bill, and the other ones I don't recollect their names.
Q What became of Emma? A She died.
Q This Emma Powell is the one that died recently? A Yes,sir.
Q Did she grow up there? A Yes,sir, she grew up on Snow Creek.
Q In the Cherokee Nation? A Yes,sir.
Q Who did she marry? A Married this gentleman by the name of Powell; he wasn't her first husband though.
Q Well who was Charlotte; what became of Charlotte? A She was a sister or half sister.
Q She was Emma's sister? A Yes,sir.
Q She one of Ben's children? A Well I didn't know whether she was or not, but it was my impression that she was; I didn't, never did know.
Q Well did she grow up there in the country too? A Yes,sir, she grew up there in the country.
Q In the Cherokee Nation? A Yes,sir.
Q Did she marry? A Yes,sir.
Q Who did she marry? A The first man that she married was Dawson.
Q Who? A Dawson, and the next one to my knowledge was French.
Q What became of Dawson, did he die? A Yes,sir.
Q What French was it she married? A Wash.
Q Wash French? A Yes,sir.
Q Well where does she live now, she and Wash? A She lives on the Verdigris.
Q Well where is that, in the Cherokee Nation? A In the Cherokee Nation.
Q What did that man, Ben Alberty, have down there where you saw him in '67; did he have a place? A Yes,sir, he had a pole house, a house made out of poles, and he had a little field, and lived on the north west of Snow Creek, on the yon side, and he had a little field north of the house, and he had, of course he was poorly fixed at that time, he slept in his house in a drygoods box and some hay and had some quilts.
Q Have any crop? A Sir?
Q Did he have any crop there? A He had a little corn, wasn't very large.

MR. HASTINGS: You testified twice in the Elizabeth Meigs case didn't you? You testified and then you wasn't satisfied with your testimony, and you made another statement, didn't you?

MR. SMITH: That is objected to because it has no reference to this case and does not tend to prove any issue in this case.

COMMISSION: Let him answer the question.

Witness: Yes,sir, I testified.

MR. HASTINGS: You testified first that you came back to this country about the last of January '67, and then you thought you had made a mistake, and went back and testified that you came back the middle of January of '67? A Here's what I stated at that time; that was my impression, and the reason why I correct my mistake was that I said I come here in January, '66.
Q January of '66? A Yes,sir, that was what I was intending to correct. I said we moved here in January,'66, that was my intention, that was my reason why I asked to correct my statement.
Q Well did you want to correct it to January of '67? A You see we

taken our claims in August,'66.
Q And when did you move here? A In January. January '66 was before August of '66.
Q Well when did you move here? A Well in my statement I said-
Q Well I am not talking about your statement. A In my statement I said when I first started we moved here--
Q When did you move your family? A I told you we come three times.
Q Tell me when you moved your family here; answer that question?
A I said along '67, moved them January,'67.
Q That's when the women came along? A The women came along, and I first told you the women came along.
Q Did you say that in the Elizabeth Meigs case? A I didn't tell it in the Elizabeth Meigs case, that is at that time.
Q Didn't you testify that you brought your families along with you, that you came here in January of '67? A I said that's when Elizabeth Meigs moved, when Elizabeth Meigs moved, but I didn't say that we didn't have no women when I come in August.
Q You didn't? A No,sir, I didn't.
Q Well didn't you swear that at that time that they were searching parties out searching for Eli Mackey, who had killed a man by the name of Hayford? A Yes,sir, I made some statement in regards to that.
Q Well they were searching your wagon? A I don't know as they searched our wagon particularly.
Q Well weren't there searching parties out? A I didn't make the statement that they searched our wagon.
Q Didn't make any statement that they searched your wagon; well there were searching parties out for Eli Mackey at that time, wasn't there? A Does that have anything to do with this case?
Q Answer the question. A There was searching parties out for Eli Mackey at some time, I recollect.
Q That was when you was coming down here, wasn't it? A Well that may have been when we were coming down.
Q Well you know that there was searching parties out for Eli Mackey?
A Yes,sir.
Q The man that killed Hayford; where did this searching party overtake you people?
MR. SMITH: I object to that because there are two questions.
Witness: I don't know which one to answer. The searching parties overtook us in the Nation.
MR. HASTINGS: Where? A Down here across on Big Creek, near about.
Q Near about Big Creek? A Yes,sir.
Q Was your brother Dan Sanders along? A Yes,sir, he was along.
Q Your father was along? A Yes,sir.
Q About how many people were along in that party that come along and searched? A I told you in my statement that I didn't know the people that came along in that party.
Q About how many was there along in the searching party, the people that were looking for Eli Mackey? A There was only one man.
Q There was only one man? A Yes,sir, one man that I know of.
Q Only one man? A Yes,sir, that said he was searching.
Q Said he was searching? A That's what we thought as least.
Q How many people were along with you at that time? A I told you in my statement that I didn't know just how many people was along with us at that time.
Q Well now was it after this that you saw this Ben Alberty up on Snow Creek? A Yes,sir, it was in '67 when I saw Ben Alberty on Snow Creek.

Q You never saw him in the Cherokee Nation until '67? A No,sir.
Q Well now how long after this searching party was it till you saw Ben Alberty? A It was along in the spring, I said when I came down here in the spring of '67.
Q About how many months after this that you moved down now, and that this searching party was along, until you saw Ben Alberty?
A I don't know just how many months.
Q Well about how many, your best judgment? A My judgment was along in about April when we saw Ben Alberty.
Q I want to know how many months after you moved down here with that crowd of people; that's what I am trying to get from you?
MR. SMITH: I object to that because it is already answered.
COMMISSION: Answer his question again if you can.
Witness: I answered your question when I told you it was along near about April when I saw Mr. Alberty.
MR. HASTINGS: That ain't the kind of an answer I want; I want to know how long after you came down with your family it was till you saw Ben Alberty? A I say it was along in about April.
Q Well was it one month, two months or four months?
COMMISSION: Do you know how long after it was; have you any idea how long it was.
Witness: April made at least--
COMMISSION: Just tell him to the best of your knowledge.
Witness: Well that would have been near about two months.
MR. HASTINGS: Near about two months? A Near about that, yes, sir.
Q Well then you were here about the first of March, were you, and you saw him in April, is that correct? A That wouldn't be correct according to the way you have got it.
Q Well according to the way now that you want it how was it? A The way I want it I say it was along in April when I saw Uncle Ben.
Q Well now you say that was about two months after you come? A About two months after I come? I say we come down in January.
Q Well about how long was it then after you come till you saw Uncle Ben? A Be January and February and March and April would have been something near about two months.
Q About two months? A Yes,sir, a little over two months maybe, the way I have got it, along in April, that's the way I have got it.
Q What time in April was it you saw him up there? A Well, just the day of the month I never put it down.
Q How old are you? A I haven't got that down either.
Q Well, don't you have any idea? A Well I stated a while ago that I was near about fifty. Uncle Ben had a field north of his house and had some logs, had built a log house.
Q You was very clear when you was being examined in the Elizabeth Neigs case, and you volunteered yourself to tell about this searching party, weren't you; haven't you been talking to the people since you have been here? A No,sir.
Q None of them told you? A Ask them, some of them, ask them.
Q Have you, you are under oath now? A These people ain't talked to me about it.
COMMISSION: Answer his question.
Witness: No,sir, they ain't.
MR. HASTINGS: You never heard nothing said, did you? A No, sir.
Q You come with your brother Dan? A When?
Q When you came down here? A No,sir.
Q You didn't come with him? A No,sir.
Q Been with him any since you have been here? A Yes,sir, I have been with him a little.
MR. SMITH: Reuben, You have been called on to testify for the

Cherokee Nation in about as many applications against as many applicants as you have for them, haven't you? A Yes,sir, I have.

MR. HASTINGS: And the Cherokee Nation tried to get you here as a witness the other day and paid your fare to get you to come down here and you refused to do it didn't you? A They didn't pay my fare.

Q Didn't they offer you the money? A No,sir, they didn't offer.

Q Didn't they serve a subpoena too? A No,sir, they never offered me no money.

Q And you wouldn't come would you? A Why you didn't give me the money to come on.

Q Well did you come? A Yes,sir, I come.

Q In obedience to that subpoena? A I am here now.

Q Were you subpoenaed to be here today by the Cherokee Nation? A I guess I was subpoenaed to be here today by the Cherokee Nation.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: Frank Love, D-879, John Baldridge, Jr., D-480, William Love, D-479, Nettie Powell, D-478, and in the case of Sarah Robinson, D-476, also in the case of Charlotte French, D-1012, as well as in the case at bar, the same being that of Emma Powell, No. D-475.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 11th day of July,1902.

P. G. Reuter,
Notary Public.

SEAL.

I, Roy Palmer, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the foregoing copy and the same is a true and complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this 21st day of August,1902.

B A Jones
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellote & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17200 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Wm. Love, D 479;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D-479

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., NOVEMBER 23, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of William Love as a Cherokee Freedman

October 17, 1904, the applicant was notified by registered mail, and on October 25, 1904, the attorneys for the Cherokee nation were notified by letter, that the application for the enrollment of William Love as a Cherokee Freedman, would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 23rd day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration.

Now on this 23rd day of November, 1904, this cause coming on to be heard pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

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H. M. Vance, being duly sworn, states that as stenogrpaher to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 23rd day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H M Vance

Subscribed and sworn to before me this 14 day of December, 1904.

Charles H. Tarryson
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, DECEMBER 23RD, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Charlotte French, as a Cherokee Freedman.

It appears from the record herein that on December 1, 1904, the applicant, Charlotte French, was notified by register letter and on the 3rd day of December, 1904, the attorneys for the Cherokee Nation were notified that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on Friday, December 23, 1904, and introduce testimony touching the applicants right to enroll, at which time this case will be taken up for final hearing. On this 22nd day of December, 1904, the applicant appeared by her attorneys, Blue & Bulger, the Cherokee Nation by its attorneys Bell, Hastings & Davenport.

Aaron Whitmire being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Aaron Whitmire.
Q How old are you? A 69.
Q What is your postoffice? A Coody's Bluff, Indian Territory.
Q How far is Coody's Bluff from the Verdegris River?
A Half a mile.
Q How far do you live from Lightening Creek? A I live three miles from Lightening Creek.
Q What direction? A West.
Q Do you live in the Coowescoowee District? A Yes, sir.
Q How far north of Chelsea do you live? A About four miles.
Q Have you lived in that vicinity ever since you came there after the war? A Yes, sir.
Q Are you living on the same place you originally settled? A Yes right on the same place.
Q How far is Big Creek from where you live? A Well it is about eight miles.
Q Does Big Creek flow into the Verdegris River? A Yes, sir.
Q And about eight miles from where you live? A No, it haint that far, the water flows in the river about four miles from where I live.
Q What direction is it from where it flows in the Verdegris River?
A Northwest.
Q Does Snow Creek empty in the Verdegris River north of where you live? A Yes, sir.
Q Between where you live and the Kansas line? A Yes, sir.
Q There are at present a great many colored people living on the Verdegris River, Big Creek and Snow Creek? A There are a great many living there.

Q Were you a slave before the war? A Yes, sir.
Q Where did you live? A I lived in Goingsnake.
Q Are you a brother of Louis Whitmire? A Yes, sir.
Q Are you a brother of Mose Whitmire? A Yes, sir.
Q You knew them of course before the war? A Yes, sir before the war.
Q Did you know them and were with them during the war? A Yes sir
Q Where did you go during the war? A I went to Fort Scott, Kansas.
Q Were you in the army? A I wasn't exactly in the army, I was working for the government though blacksmithing.
Q Did your other brothers also work in the army? A They drove teams.
Q Did you know old Sam and young Sam Webber before the war?
A I knew the old man before the war.
Q When did you get acquainted with young Sam? A In time of the war.
Q In the state of Kansas? A Yes, sir.
Q Did you know Mike, Sam, Ruben and Dan Sanders? A Yes, sir.
Q Did you know them during the war? A Yes, sir.
Q Where? A Fort Scott, Kansas.
Q Well at the time the war closed where were you and all of these other parties, including your brothers, Sanders and the Webbers when the war closed? A Fort Scott, Kansas.
Q You are a recognized and enrolled Cherokee Freedman, are you not? A Yes, sir.
Q When did you make the first trip to the Cherokee Nation after the close of the war? A I made the first trip in August, 1866.
Q In August, 1866? A Yes, sir.
Q Well now who came along with you in August, 1866? A Well the old man Sanders.
Q What was Sander's name? A Mike Sanders.
Q Was he the father of Ruben and Dan? A Yes, sir.
Q Who else came with you? A Old man Webber, old man Sam Webber, old man Billie Foreman, Peter Meigs, Mose Whitmire, Nelson Whitmire, Louis Whitmire and Dennis Whitmire.
Q Where did you go? A We come to Big Creek.
Q How long did you stay on Big Creek? A We stayed there two or three weeks, I don't just recollect, I don't know how long, some two or three weeks.
Q Did any women or children come with you at all on that first trip? A No, sir.
Q Where did you go down Kansas and enter the Territory, at what point? A We come right to Oswego and out to where Chetopa is now and turned west and went to Big Creek.
Q And then come down Big Creek? A Yes, sir.
Q Was there a single house anywhere in the Cherokee Nation along Big Creek at that time? A There wasn't Mary one for a mile on Big Creek.
Q Was there anyone living on Big Creek in the Cherokee Nation at that time? A No, sir.
Q Was anybody living on Snow Creek at that time? A No, sir.
Q Did you see anybody living on the Verdigris river at that time?
A Yes there was somebody living along the river, along the Verdigris
Q Who? A Old man Riley.
Q Was he a Cherokee? A He was a Cherokee, and Carter, he was a Cherokee and John Coker, he was a Cherokee.

Q Well were there any colored people on the Verdigris river at that time? A No, not that I seen.
Q You stayed around then in that country some two or three weeks? A Yes, sir.
Q Well what did you do then? A We went back to Fort Scott.
Q That was the first trip that was made by any of the colored people up there, so far as you know, to the Cherokee Nation after the war? A Yes, sir.
Q That was what was said at the time? A I know that was what they said, there may have been a few come before that and went the other way by Granville.
Q Well now when was the second trip made. A That was made in December sometime.
Q Of 1866? A Yes.
Q Now who came with you on the second trip? A Ransom Daniels, Solomon Foster, Di ck Whitmire.
Q Was that old man Dick Whitmire? A Yes sir, and Sam Beck.
Q Were there any Creeks or Choctaws? A Some Creeks and Choctaws.
Q What became of them? A They went on down.
Q Into their own country? A Yes, sir.
Q Well did you go over practically the same country the second trip that you did over the first? A We didn't go over all the same country, we went over some of it, we done a little work.
Q Well at that time were there any colored people living in any of that part of the country known as Big Creek and Snow Creek country and the Verdegris River? A No, sir.
Q What work did you do in August, 1866? A Put up some houses.
Q Just put up the logs? A Yes, sir.
Q What didyou cover them with? A We covered two or three of them, two I believe.
Q Covered you think about two of them? A Yes, sir.
Q But the rest were just the bodies of the houses? A Yes, sir.
Q You didn't put in any fields at that time? A No, sir.
Q Well when you came back in December you come to these same places where you had started your claims before? A Yes, sir.
Q Well how long did you stay there in December, '66? A I stayed there about four days.
Q Where did you go then? A I come to Fort Gibson from there.
Q Where did you go from Fort Gibson? A Goingsnake.
Q What became of those who were with you? A They went back to Fort Scott, Kansas.
Q After going to Goingsnake did you return to Kansas or Fort Gibson? A Yes, sir.
Q About what time of the year did you go back to Kansas? A It was near Christmas time, I don't just recollect what time.
Q Do you remember of the circumstances of Dyer Hayford being killed? A Yes, sir.
Q Did you know Hayford? A Yes, sir.
Q Where were you when he was killed? A Fort Gibson or Tahlequah.
Q On this second trip? A Yes, sir.
Q He was killed when you returned? A Yes, sir.
Q Did you know Eli Mackey, a colored fellow, who killed him? A Yes, sir.
Q Now did any women or children go with you to the Cherokee Nation on this second trip? A No, sir, none at all.
Q Well when did you return to the Cherokee Nation finally the third time? A It must have been in March sometime.
Q The following March of '67? A Yes, Sir.

Q Well who came with you that time? A Well Sanders, old man Sanders, Mike Sanders, Peter Welgs, Billie Foreman, Tuck Sanders Ruben Sanders.
Q Well did Louis Whitmire come with you that time? A No, he didn't go that time.
Q Where was he? A Fort Scott.
Q Did Dennis come that time? A No, sir.
Q Did this preacher, Joe Ross, come that time? A No, sir.
Q Well did Sam Webber come that time? A No, Sam didn't go.
Q Well how long after you come before Sam moved down here?
A A couple of weeks I guess, maybe not quite so long, a short time.
Q Do you remember the circumstances as you were leaving to come here about Eli Mackey going to jail for the murder of Dyer Haywerth and there being considerable excitment when you passed throug
A Yes, sir.
Q Were the Sanders boys along on that trip? A Yes, sir.
Q And you say now that Sam Webber didn't bring his family when you one but a couple of weeks after? A Yes, sir.
Q Well now when you did move your families down to where you located were there any colored people living in that part of the country? A None that I know of.
Q Were there any on the Verdegris River or the Lightening Creek country or Snow Creek or Big Creek country? A None that I ever heard of or seen and I traveled a good deal through the country.
Q Where did you do your trading when you first came from Osrego?
A At Old Parker some.
Q Now in order to go to Oswego you had to go from your place north up from Big Creek and Snow Creek country? A Yes, sir had to go north.
Q There were no fields there in '66? A None at all.
Q Wasn't no corn planted or crops raised that year? A No, sir.
Q Did you plant some crops in '67? A Yes, sir. We had crops in '67.
Q But before that none were put in by the colored people at all?
A Not that I know of.
Q Well do you know Ben Alberty? A Yes sir, I knew Ben before the war.
Q Did you know him after the war? A I never seen him but once after the war that I know of.
Q Well did you know before the war that he located on the mouth of Snow Creek? A Yes I knew about the place.
Q Well was he living there when you moved down here in March of '67? A No, sir.
Q Well now how long after that that Ben Alberty moved down in the Cherokee Nation? A It must have been sometime in '68, nearly '69 somewhereu along there.
Q And you know he wasn't there when you first moved? A Yes, sir. He wasn't there.
Q You know John Landrum? A Yes, sir. I know Jack Landrum.
Q Well now when did Jack move his family down here? A Well I don't recollect just what time Jack did move there.
Q It was after you moved there? A Yes, sir.
Q He wasn't living there in '66? A No, sir.
Q Did you know him in Kansas? A No, I never saw Jack in Kansas at all.
Q Did he mary some relation of yours? A Yes a sister.
Q Were they married in Kansas or in this country? A In Kansas.
Q After the war? A Yes, sir.
Q Were they married when you left there with your family?
A Before that, before I left.

Q But he didn't move down with his wife until after you came down?
A No, sir.
Q How long was it after you moved down the third time until Jack came? A It must have been in '68, somewheres along there when they come to where I lived.
Q Well how far did they settle from you? A About three miles.
Q Then there was no women or children come on any of these trips until you moved down in March '67? A No, sir not until we moved.
Q You are the same man who is known as Aaron Whitmire who testified before the Chambers Court in '78? A Yes, sir.
Q And Louis Whitmire and Moses Whitmire who were admitted to that court were your brothers? A Yes, sir.
Q You at that time had for your witnesses Blue Alberty, William McCracken and others, did you not? A Yes, sir.
Q You stated in your application at that time, and your witnesses stated for you the same facts that you stated here, to-wit; that you returned with your family and moved down here in the spring of '67? A Yes, sir.
Q That is all true, is it not? A Yes, sir, that is the truth.
Q Well now Sam Webber never moved down here until the spring of 1867? A No, sir.
Q And young Sam didn't come with his father in August, 1866?
A Yes he come in '66 with his father.
Q Did he go back? A He went back, yes sir.
Q Did he come back in December, 1866? A I don't recollect now whether young Sam was along in December or not.
Q But you remember distinctly that he moved down here some two or three weeks after you did? A Yes, sir.
Q How far did the Webbers settle from you when they came down in the spring of '67? A It is about six or seven miles from where I live.
Q You knew them well did you? A Yes, sir.
Q Had you seen them in Kansas before the war and before you moved down here? A Yes, sir.
Q About how far did they live from you in Kansas? A About 20 miles I think.
Q Did you live in the town of Fort Scott? A Yes, sir, I worked there in town.
Q Blacksmithing? A Yes, sir.
Q I believe that you stated that you knew Dyer Hayford, what was his business? A He had a grocery store and sold groceries.
Q Did you buy goods from him? A Yes, sir.
Q You stated that you know Eli Mackey? A Yes, sir.
Q William McCracken says he met you in December, 1866, in December, before the Chambers court, did you meet him that year?
A Yes, sir.
Q Were your brothers with you? A No, they wasn't with me then, I left them on the Verdegris River, I met McCracken down at Fort Gibson.
Q Did you tell him where you were going? A Yes, sir.
Q What did you say? A Told him I was going to Goingsnake.
Q As I understand you you went to Goingsnake by the way of Tahlequah and came back by the way of Fort Gibson and then went to Kansas and got back to Kansas sometimes during Christmas week?
A Yes, sir.
Q Which was after Hayford was killed? A That was after Hayford was killed.

BY THE COMMISSION:
Q During the war Mr. Whitmire, you colored people settled in Fort Scott in the same neighborhood, did you? A Not exactly

Q Well you knew one another quite well? A Yes, we knew one another.
Q Refugees from the territory who had gone out during the war?
A Yes, sir.
Q You were acquainted reasonably well were you not, with all of the parties who came down in that first crowd in August of '66?
A Well yes sir.
Q You knew all the parties in that crowd? A Yes sir.
Did you give all the names of those you can remember in reponse to Mr. Hasting's questions? A All I can remember, yes sir.
Q What was your purpose in coming that first trip, Mr. Whitmire
A Come to make homes.
Q You come down to build some houses? A Yes, sir.
Q How did you go to the territory, wagons or horseback?
A Come in wagons.
Q What kind of teams did you have? A Some had mules, some horses and some oxen.
Q Did you have a family at that time? A Yes, sir.
Q A wife and some children? A Yes, sir.
Q But you left them in Fort Scott? A Yes, sir.
Q It was the understanding, was it, that you people were to come here and start some houses before going back to Kansas for your families? A Yes, sir.
Q Who did your cooking on that trip? A Well the boys done the cooking.
Q Did you bring along any women at that time to do the cooking?
A No, sir.
Q You are positive that there were no women at all in this crowd, are you? A No women that I recollect and no children.
Q Well you would have remembered it, wouldn't you? A Yes, sir, I think so.
Q It was a pretty wild country here at that time? A It was a wild country, yes sir.
Q Well now when you came down in December the second time for what purpose did you come? A We come down to work on our places.
Q You left your family at Fort Scott on your second trip?
A Yes, sir.
Q Were there any women in that crowd who came down in '66?
A No, sir.
Q There werr none? A None.
Q How did you come the second trip? A In wagons.
Q At that time, in the fall of '66, did you have some brothers and sisters? A Yes, sir.
Q All of your brothers came with you in the fall of '66?
A Moses, Louis, Dennis and Nelson.
Q Did you have some sisters living at that time? A Yes, sir.
Q What were their names? A The eldest was Mariah, Polly Ann, Mary Ellen.
Q Where did you leave them on your first and second trips to the Cherokee Nation? A I left Mariah at Lawrence and Polly Ann at Fort Scott with her brother Dennis and I don't know where Mary Ellen was.
Q Did your sister, Polly Ann, come with you when you come in the spring of '67? A No, she came with her brother Dennis.
Q How long after you came until Polly Ann came with Dennis.
A About two or three weeks as near as I can recollect.

Q That was the first time, was it Mr. Whitmire, that Polly Ann had been in the Cherokee Nation after the war, so far as you know? A Yes, sir, Polly Ann was a girl then staying with her brother Dennis, she wasn't of age, she was staying with Dennis and living with him.
Q And she didn't come with Dennis in the fall of '66? A No she didn't come with Dennis when he come before.
Q She stayed with his family in the town of Fort Scott, Kansas. A Yes, sir.
Q Was little Sam Webber married when he come down here with his father in '66? A Yes, sir.
Q Where was his wife? A She was in Kansas.
Q Was there any woman come with little Sam Webber when he come on either of these trips in '66? A No, sir.
Q Well Mr. Whitmire, if any woman claims to have come down here in August or December, 1866 with this detachment of which you were a member, she is mistaken? A Yes, sir, she is mistaken.
Q You are positive that there were no women or children on either of these trips? A Yes, sir.
Q You were a grown man then weren't you? A Yes, sir.
Q And you are an intelligent fellow who would remember, wouldn't you, Mr. Whitmire? A Yes, sir.
Q And you remember that no women or children come with you on either of these trips? A No, sir, not one.
Q You have been acquainted with all these parties since your removal to the Cherokee Nation, have you Mr. Whitmire? A Yes, sir
Q Known where they have lived and all about them? A Yes, sir.

BY MR. HASTINGS:
Q Wasn't it a fact that the Chambers Court admitted all of you people who made this first and second trip here to the Cherokee Nation that applied to the Chambers Court and introduced this testimony? A Yes, sir.
Q The Cherokee Nation or its authorities never did deny you did they? A No sir, never did.

BY MR. BUTLER:
Q Mr. Whitmire when you started from Fort Scott to the Cherokee Nation what road did you take? A I come right down by Lightening Creek, what is called Lightening Creek, crossed over at Oswego and come down by Sapulpa and there we turned west and went over to the head of Big Creek.
Q How far down Big Creek did you go and where did you settle? A We come down I guess eight or ten miles from the head to where we live.
Q Did you go north of where Centralia now is? A No, sir went west of where Centralia now is.
Q Well did you settle on Big Creek? A No, on Salt Creek, that is below Big Creek.
Q Which direction did you settle from Nowata? A Southeast, pretty nigh east.
Q Were you on Snow Creek, did you go down Snow Creek during that first trip? A No, sir.
Q Were you on Snow Creek? A I have been on Snow Creek.
Q How long were you there about four weeks? A No, not that long, not then.
Q Do you know whether or not anyone lived on Snow Creek? A No-one that I knew of.
Q How do you know if you wasn't there? A I was there, but I didn't see anybody on Snow Creek or anybody living there.

Q When in August, '66? A Yes, sir, after that.
Q Where were you going when you passed Snow Creek? A By old Tahlequah and different places there, Westralia.
Q Did you have to go by Snow Creek to go by Westralia?
A Yes sir, it was an old trading post up there near old Tahlequah, east of Tahlequah on Pumpkin Creek.
Q How far was Westralia from where you was building those houses?
A About twenty miles.
Q Which direction? A East.
Q Which side of Big Creek is Westralia on? A On the west side of Big Creek.
Q Which side of Snow Creek? A On the west side of Snow Creek.
Q Which side of the Verdegris? A On the east side of the Verdegris.
Q Where were you going when you went through Westralia? A Going to old Tahlequah, I had started to different places up there going to Westralia to trade sometimes during the past.
Q Then when you come to the Cherokee Nation that time you started at the head of Big Creek, went south down seven or eight miles where it runs into the Verdegris? A Yes sir, all the way from the head of Big Creek to where it runs into the Verdegris.
Q And settled on the southeast side of Big Creek where it turns around there into the Verdegris? A Yes, sir.
Q And there you built some houses? A Yes, sir, our houses was on Salt Creek about four miles from the mouth of Big Creek where it empties into the Verdegris.
Q When did you build there? A In '67.
Q Then where was it that this crowd that came in August of '66 built their houses? A They built them on Big Creek. It was about six or eight miles above where I live.
Q Did you find your location where you built some houses in '66?
A Yes, sir.
Q But you didn't erect any buildings there until '67? A No, sir.
Q Who built those houses in that first '66 settlement? A Sam Webber built one, old man Webber and old man Mike Sanders and old man Meigs.
Q Did you have to cut trees down and hew these logs out? A We cut the logs down and hewed them out.
Q What did you cover these houses with? A Boards.
Q Where did you got the lumber? A It wasn't lumber boards, it was clab boards.
Q You was there four weeks? A Yes, sir.
Q You came to the Cherokee Nation, built these houses and went back to Fort Scott, when did you go back to Fort Scott? A I don't recollect just exactly what time I did get back on the first trip, I don't recollect.
Q How long did you stay down in the Cherokee Nation when you were down here? A Two weeks that time.
Q The first time? A Yes, sir.
Q During those weeks you built several houses? A Yes, sir.
Q Visited around different settlements on Snow Creek? A There wasn't no settlements that we looked around, we saw the country.
Q What was your idea in looking at the country when you had located and built your houses? A We wanted to see if there was any place better.
Q Moved your houses would you? A The houses were just some logs and we could have got more if we had found a better location.
Q Well then you returned to the Cherokee Nation in December?
A Yes, sir.
Q What way did you come that time, what road? A We come pretty nigh the same road as we come the first time, by Lightening Creek.
Q Came down by Lightening Creek? A Yes, sir.

Q Came down by Big Creek? A Yes, sir, Big Creek.
Q Stayed right close to the river? A Come to where we started our buildings.
Q Did you stay down in the bottom along Big Creek? A Yes, sir, we come along the bottom
Q Now Mr. Whitmire, in August when you folks come down there, did you stay in the bottoms or get out on the grass? A No, we didn't exactly stay in the bottoms, we would go out on the prairie and look around.
Q Wasn't there great high grass in the bottoms that time and made it difficult to travel through? A Yes, sir, there was grass there.
Q Wasn't the grass a little short on the prairie? A Yes, sir.
Q And for that reason you stayed out of the bottoms on the way down? A No, we went in the bottoms.
Q You didn't travel down in those bottoms all the time did you? A No, sir.
Q You didn't travel in that big grass did you? A Yes, sir in places.
Q What did you have, wagons? A Wagons and teams.
Q What kind of horses did you have? A Some mules, some horses and some oxen.
Q But now what was your object in traveling in that high grass that big blue stem, instead of going on the prairie? A It was a good place, that was the object, if you was looking for a location you wouldn't go out on the prairie to hunt it.
Q Did you know where you was going when you left Fort Scott? A Yes, sir.
Q You had been in that country before the war? A No, I never was in it until after the war.
Q Were there any other crowds of Freedmen that come out from Fort Scott after August 1866, before you came in December? A Why, I don't know that.
Q You don't knew? A No, sir.
Q Did Bill McCracken and Levi Dougherty and those fellows live in that country in those days? A No, sir.
Q Did you ever see them there? A I never seen them there, Bill McCracken lived on Flat River and Eli lived on Pryor Creek.
Q Where did Blue Alberty live? A On Pryor Creek.
Q When you came down in December, 1866, how long did you remain in the Big Creek country? A Four days.
Q Then where did you go? A Fort Gibson. Up to Goingsnake and then to Tahlequah.
Q And returned the same way? A I returned the same way.
Q What time did you go to Fort Scott? A About Christmas time.
Q How were you traveling those times? A Teams.
Q How long did you stay in the Goingsnake neighborhood? A Two weeks and stopped at Tahlequah three or four days.
Q Did you stop any length of time at Fort Gibson? A Four days, I think, maybe longer, I don't know exactly, four days or a week.
Q You left Fort Scott in December? A Yes sir.
Q Returned sometime during Christmas holiday week, between Christmas and New Years? A Yes, sir.
Q Stayed four days in Indian Territory? A Three or four days in Gibson.
Q Stayed a couple of days in Tahlequah and Goingsnake? A A couple of weeks.
Q Stayed a couple of week in Tahlequah and Goingsnake and got back there about the first day of January? A I don't know whether the first day, I guess it was about the first.

BY MR. HASTINGS:
Q How long after you come the last time before Louis moved down, your brother Louis? A I guess it was two or three weeks, I don't recollect just exactly.
Q But even at the time you moved there were no families at that time living anywhere in the section of the country? A None at all, Old man Riley the closest that I knew and I lived four miles from him.
Q In the Cherokee Nation? A Yes, sir.
Q Well I meant when I asked the question there were no colored people? A No.
Q You were the first people? A First ones that I know of.
Q And you come down home two weeks before the Webbers moved there. A Yes, sir.
Q And the Sanders family came with you? A Yes, sir, Sanders and Weigs.
Q Did they live about Fort Scott? A Yes, sir. Sanders lived there and Weigs lived there.

BY MR. BULGER:
Q Now Mr. Whitmire when you came down in December did you go directly to your places that you had located in August? A Yes.
Q Didn't scout around over the country like you did in August? A No, sir.
Q Did you know of anybody who lived in the Snow Creek country or up in the Big Creek country, except in that immediate neighborhood where you went? A I didn't know for certain.
Q Now when you were on this trip to Coingsnake, how did you go? A Wagon and two mules.
Q You say Little Sam Webber came with you in August? A Yes, sir.
Q And he was married before this? A Yes, sir.
Q Did he return with you in December? A Yes, sir.

BY MR. HASTINGS:
Q Well you know that there was nobody living on Snow Creek after you moved down here in the spring of '67 because you had occasion to go back and forth up there? A I was up there from two to three weeks, had to go up to the little trading post at Oswego and get provisions.
Q And you saw nobody living in that section of the country? A No, sir.
Q Well now the first trip you came I judge you traveled considerably over all of this country hunting a suitable place to locate? A Yes, sir.
Q Well neither of the Webbers or none of the rest never did mention having been back to that section of the country before that in August? A No, sir.
Q None of them had been there before? A No, sir.
Q And there were no women on the first or second trips and no children? A No, sir.

BY MR. BULGER:
Q When you came down in December did you stay down in the bottoms close to Big Creek? A Yes, sir right in the bottoms.

BY MR. HASTINGS:
Q You had been game hunting a good deal of the time at that time had you? A It was all we had to eat.
Q And that made you go round in those bottoms in search of game.

A Yes, sir.

JAMES M. KEYS being first duly sworn testifies as follows:

BY MR. HASTINGS:
Q What is your name? A James M. Keys.
Q What is your age? A 62.
Q Are you a Cherokee citizen? A Yes, sir.
Q Where were you living when the war closed? A I was down south in the Choctaw Nation.
Q When did you return to the Cherokee Nation? A I came to the Cherokee Nation in June, 1866.
Q When did you first have occasion to visit Cooweescoowee district of that part of Cooweescoowee known as the Snow Creek, Big Creek and Verdegris country? A In the winter of 1867. I had a large bunch of cattle near Claremore, Indian Territory and in the spring of 1868 we had lost some cattle and there had been another herd of cattle near where I had these cattle I had charge of and they drove them in the direction of Kansas and I followed these cattle on the east side of the river to Coodys Bluff and crossed over at Coodys Bluff and stayed all night in the morning came on the east side and followed up on the Verdegris River to Snow Creek and found the bunch of cattle I was following.
Q How far from the Kansas line? A Well, I couldn't say,it was right near the Kansas line.
Q They were near the Kansas line? A Yes, sir.
Q Then you had occasion to go up to the Verdegris river from where it flows out of Kansas into the Cherokee Nation? A Yes, up as far as Snow Creek.
Q How did you see any colored people along the Verdegris river and Snow Creek on that trip? A Well after leaving Coodys Bluff and going north on the east side of the river I didn't see a single house or habitation of any kind along the river, and I followed as close to the river as I could.
Q You were in search of this bunch of cattle and you were looking to see if you could find any people? A Yes, it was a wild country then and I would have been glad to have seen any house.
Q Were there any people living on Snow Creek at that time?
A I didn't see a single house.
Q Did you know where Ben Alberty claims to have settled? A Yes I know where the old place is.
Q How far did you go from the old Ben Alberty place on this creek?
A My best judgement is in the neighborhood of one mile.
Q How far did you pass from it when you went up? A I went right up Snow Creek until I could see the cattle on the other side and followed right up the Verdegris river until I came to Snow Creek.
Q And you could see no persons living in that section of the country? A No evidence of any habitation outside of the cattle down where the cattle were.
Q And you could see them at once? A I saw them at once.
Q How large a stream is Snow Creek? A Just a small stream.
Q Just a little branch? A It is a little creek with some timber that runs out of the Verdegris and heads toward Kansas.
Q Runs for a few miles in the Cherokee Nation? A Yes, sir.
Q And you saw no colored people at all on that trip? A No evidence of any habitation or anything.
Q And you never heard of any people who had seen the cattle?
A No, about half way between Coodys Bluff and Snow Creek I met two men and they told me no-one lived there.
Q They had seen this heard of cattle? A Yes they had seen the

cattle and had been to a town in Kansas, Osage, I knew them, they were two Cherokees.
Q Did you make any inquiries as to whether there was any settlement or not? A Yes, so I could stay all night.
Q Do you think it would be possible for Ben Alberty to have lived where you knew he afterward settled without your seeing his house? If he had lived there when you went up Snow Creek in search of these cattle you would have seen his house? A I don't think so, if there had been any house I would have seen it.
Q Which way did you go back? A I came back the way I went, along the river.
Q Did you take charge of these cattle? A No, sir, I left them in the herd, it was a long ways from where I was located and I left the cattle there until I came back.
Q You didn't go across to Salt Creek where Aaron Whitmire lives? A No, sir, I followed the Verdegris circle.
Q You left the Whitmire settlement to the east of you? A Yes some miles to the east.
Q And that is the reason why you didn't see their settlement? A Yes, sir.
Q Did you follow Big Creek? A Not any distance.
Q Big Creek flows in the Verdegris river? A Yes, sir, a little north of Coodys Bluff.
Q Instead of following Big Creek you went up the Verdegris river? A Yes, sir.
Q But when you struck where Snow Creek flows into the Verdegris you went up Snow Creek? A Yes a little, the cattle were between the river and Snow Creek on the north side and I followed the creek until I could see them on the other side and crossed.

BY MR. BULGER:
Q When was this Mr. Keys that you made this trip in April or May? A In April or May of 1868.
Q Where did you strike the Verdegris river when you started? A I went near Claremore and went from there to Coodys Bluff the first day.
Q On the east side of the river? A Yes Coodys Bluff is on the east side of the river. I stayed all night with Looney Riley.
Q Where did you cross the Verdegris River to go to the Snow Creek country? A I crossed it the next morning and went right up the river, there was considerable timber along the Verdegris at that time.
Q About the same as now? A Yes, sir.
Q How far out from Snow Creek did you stay when you went across the country for these cattle? A Not a great ways, I don't think it was more than from a half a mile on the east side of Snow Creek.
Q Is there any timber on Snow Creek? A Yes, sir, there is a little timber along there.
Q You didn't go on the east side of Snow Creek until after you had crossed that time, you went right across? A We followed up on the east side and crossed over on the west side and went to the herd of cattle.
Q How far up did you go until you crossed? A Well I couldn't say, a mile and a half or such a distance.
Q Do you know whether or not there was anyone living down on the fork where Big Creek flows into the Verdegris? A I saw no evidence of any settlement or habitation and I paid pretty close

attention and didn't see anyone living there.
Q But you don't know that there was no one living there? A I couldn't say positively.
Q How far east did you continue to go up Snow Creek? A Well I went right up the Creek, followed right up the river until near the mouth of the creek and then went up the creek about a mile and a half.
Q Never did go any farther? A No crossed there to the bunch of cattle the creek was running northeast, at that point.
Q The cattle were on the northeast part of the prairie? A Yes, sir.
Q About how far? A One half mile or somewheres along there.
Q After you found those cattle did you return to Claremore? A I just rode into the bunch of cattle and then I turned and went back down the river.

----oOo----

The Cherokee Nation asks that the testimony taken of Aaron Whitmire and James M. Keys on this date be made a part of the record in the case of Frank Love, F. D. 879; Sarah Robinson, F. D. 476; Larkin Powell, F. D. 475; Polly A. Canard, F. D. 814.

----oOo----

Opal Griggs being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported the above and foregoing proceedings had on the 23rd day of December, 1904, and that the above is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Opal Griggs.

Subscribed and sworn to before me this 31st day of December, 1904.

(SEAL) (Signed) Charles F. Sawyer
Notary Public.

Maggie Kennedy, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Maggie Kennedy

Subscribed and sworn to before me this the 13 day of January 1905.

[illegible]
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Powell, et al., as Cherokee Freedmen, consolidating the applications of:

Emma Powell, et al.,	Cherokee Freedmen D-475,
Sarah Robinson, et al.,	Cherokee Freedmen D-476,
Nettie Powell, et al.,	Cherokee Freedmen D-478,
William Love,	Cherokee Freedmen D-479,
Frank Love,	Cherokee Freedmen D-879,
Amanda Gaskins,	Cherokee Freedmen D-994,
Charlotte French,	Cherokee Freedmen D-1012.

--:--

O R D E R .

It is ordered that a copy of the testimony of Lewis Ross, applicant in Cherokee Freedman case No. D 549, taken at Chelsea, Indian Territory, June 6, 1901, its decision rendered by this Commission on March 5, 1904, in the consolidated case of Esau Fox, et al., Cherokee Freedmen D 508, et al., in which was included the said case of Lewis Ross, Cherokee Freedmen D 549, and Departmental letter of August 31, 1904, (I.T.D. 6756-04), affirming said decision, be filed with and made a part of the record in the applications of Emma Powell et al., Cherokee Freedmen D 475, Sarah Robinson, Cherokee Freedmen D 476, and Nettie Powell, Cherokee Freedmen D 478; and

That the testimony of Robert Adair, taken at Chelsea, Indian Territory, May 31, 1901, in re the application of his wife Ida Adair, Cherokee Freedmen R 99, be filed with and made a part of the record in the applications of William Love, Cherokee Freedmen D 479 and Frank Love, Cherokee Freedmen D 879.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Commissioner

Dated at Muskogee, Indian Territory,

this DEC 28 1904

A.F.Mc
D.C.L.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Emma Powell et al., as Cherokee Freedmen, consolidating the applications of:

Emma Powell et al.	Cherokee Freedmen D 475
Sarah Robinson, et al.	Cherokee Freedmen D 476
Nettie Powell et al.	Cherokee Freedmen D 478
William Love,	Cherokee Freedmen D 479
Frank Love,	Cherokee Freedman D 879
Amanda Gaskins,	Cherokee Freedmen D 994,
Charlotte French	Cherokee Freedmen D 1012.

--:--

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Emma Powell for herself and minor children, Hattie Belle Ross, Lula Ross, Gertie Ross, Lillie Gusta Ross, Mamie Powell, Jessie Powell, Eddie Powell and Ora Della Powell; subsequently , there was filed with this Commission, and made a part of the record in this case, an affidavit showing the birth, on September 4, 1901, of Willie Powell, child of the said Emma Powell and one Larkin Powell; by Sarah Robinson for herself and minor children, Fred Robinson, Lucy Robinson and Andy Robinson; subsequently there was filed with this Commission, and made a part of the record in this case, an affidavit showing the birth, on March 26, 1902 , of Katie Robinson, child of the said Sarah Robinson and one Elijah Robinson; by Nettie Powell for herself and minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself; and by Washington French for his wife, Charlotte French. A copy of the testimony of Lewis Ross taken at Chelsea, Indian Territory, June 6, 1901, of its decision rendered

by this Commission March 5, 1904, in the consolidated case of Esau Fox, et al., Cherokee Freedman D 508 et al., and of Departmental letter of August 31, 1904, (I.T.D. 6756-04), in the case of Lewis Ross, Cherokee Freedman D 549, and of the testimony of Robert Adair taken at Chelsea, Indian Territory, May 31, 1901, in re application of Ida Adair for enrollment as a Cherokee Freedman by intermarriage, case No. R 99, and of Mariah French and others taken at Nowata, Indian Territory, July 2, 1901, in re application of the said Mariah French for enrollment as a Cherokee Freedman by intermarriage, case No. D 1010, is filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicant, Emma Powell, was born about the commencement of the rebellion, and was the daughter of Ben and Rhoda Alberty, both deceased, and both of whom were the slaves of a Cherokee citizen at the commencement of the rebellion; that the applicant, Charlotte French, was the daughter of the said Rhoda Alberty, and was the slave of a Cherokee citizen at the commencement of the rebellion; that the applicants, Emma Powell and Charlotte French, together with the said Ben and Rhoda Alberty, resided in the state of Kansas during said rebellion, and that neither the said Emma Powell or Charlotte French nor the said Ben or Rhoda Alberty, returned to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation.

The evidence further shows that said applicant, Emma Powell, died on March 22, 1902, and an affidavit to that effect is filed herewith and made a part of the record in this case.

Section twenty-five of the Act of Congress approved July 1, 1902(32 Stat., 716), provides:

> "The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes/."

The evidence further shows that the applicants, Mattie Bell, Lula, Gertie, and Lillie Gusta Ross, Sarah Robinson and Nettie Powell, were born since 1866 and are children of the applicant, Emma Powell and one Lewis Ross, and that the application of the said Lewis Ross for enrollment as a Cherokee freedman was denied by the Commission on March 5, 1904, and its action approved by the Department on August 31, 1904. The applicants, William Love, Frank Love, Mamie, Jessie, Eddie, Ora Della and Willie Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell, are children of the applicants, Emma Powell, Sarah Robinson, and Nettie Powell, were born since 1866, and possess no rights to enrollment other than as descendants of their said mothers. The applicant, Amanda Gaskins, is a daughter of the said Ben Alberty, was born since 1866, and possesses no rights to enrollment other than as a descendant of her said father.

None of the applicants herein can be identified on the authenticated Cherokee tribal roll of 1880, nor the Cherokee census roll of 1896.

In re credibility of witnesses introduced by applicants in this case:

Charles Chambers, a stock witness for freedman applicants, on behalf of the applicant, Emma Powell (C.F.D. 475), testifies that he first saw her father, Ben Alberty, in the Indian Territory, in 1867, while on a trip from Tahlequah to Big Creek; on behalf of the applicant, Amanda Gaskins, (C.F.D. 694), he testifies that this trip was made in the year 1870; on behalf of Charlotte French, (C.F.D. 1012), he again testifies that this trip was made in 1867. In the case of Queenie Smith, et al., (C.F.D. 779), this witness testifies that he moved from Tahlequah to the Big Creek country "somewhere in the '70's", and in the case of Willis Starr, et al., (C.F.D. 865), he testifies, "I come up on Big Creek in 1870", and upon cross-examination is very positive as to the date. Sidney West, in her own behalf, (C.F.D. 564), testifies that she was the wife of Charles Chambers during the rebellion, that they returned to the Cherokee Nation in the fall of 1865, and lived together about a year, near Fort Smith; that he then left her, and about a year later she found him at Fort Gibson, and that they then went to Park Hill, and lived together "there some year or two." She also testifies that she and Charles Chambers were living together at Park Hill "about four years after the war." In this she is corroborated by Charles Chambers, as, in the same case, he testifies that they began living together after they left the Cherokee Nation during the war, and lived together "six or seven years", and in the case of Sabra McQueeny (C.F.D. 132), he testifies that he is her father, was living with her mother, Sidney West (C.F.D. 564), at the time she was born, and continued to live with her for a long time thereafter, in fact, until two children younger than Sabra were born to them. The above testimony establishes beyond a reasonable doubt that Charles Chambers, for several years after the close of the war, lived in the Cherokee Nation near Fort Smith and in and around Tahlequah, (Park Hill is between Tahlequah and Fort Gibson), and that he did not move to the Big Creek country prior to the year 1870.

Witness Nelson Murrell has been denied enrollment as a Cherokee freedman by this Commission, and its action approved by the Department. In his case (C.F.D. 548), it was conclusively shown that he was living in Kansas as late as the year 1868. He testifies, however, that he reached the Cherokee Nation before Ben Alberty and his family did, and that he met them at Trotter's Ford, on the Neosho river, as he was returning to Kansas. This statement is probably correct, and in view of the fact that he came to the Cherokee Nation in the latter part of the year 1868, or early part of 1869, together with the testimony of Charles Chambers to the effect that when he saw Ben Alberty (which undoubtedly was not earlier than the year 1870), "he had made one crop and was then making another", and this, in connection with the testimony of numerous disinterested witnesses that there were no colored families living on Snow Creek prior to 1868, shows beyond a reasonable doubt that Ben Alberty and his family did not come to the Cherokee Nation prior to the year 1868, and it is more probable that they did not come before the spring of 1869.

Little weight can be given the testimony of Jim (Sheep) Alberty, as he has been repeatedly contradicted, and his general disreputableness as a witness in behalf of freedmen applicants is recognized in Departmental letter of August 17, 1904, (I.T.D 4998--04)..

The testimony of Daniel and Reuben Sanders does not show that the applicants or their ancestors returned to the Cherokee Nation within the time specified in the Whitmire decree.

If the moral depravity of a witness is to be considered in weighing their testimony, the testimony of Mary Joe should receive no consideration whatever.

L. D. Daniels, another "stock witness" for Cherokee freedmen applicants, testifies on behalf of Charlotte French, but he knows nothing of importance to the applicant. S.W. Lane, also on behalf of the applicant, Charlotte French, testifies to the effect that he first saw her at Ben Alberty's, on Snow Creek, in 1867, but does not give the time of the year. He further testifies, in reply to the question--"When did you first come in that neighborhood?" --"I come to stay in '68; I was here in '66 and went back." Evidently he did not see Ben Alberty or his family, here in 1866. This witness was an applicant for enrollment as a Cherokee freedman by intermarriage, consequently his residence prior to his marriage in 1875 was of no concern and has never been investigated.

It is, therefore, ordered by this Commission that the application for the enrollment of Emma Powell as a Cherokee freedman, be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716); and it is the opinion of this Commission that the applications for the enrollment of Hattie Bell Ross, Lula Ross, Gertie Ross, Lillie Gusta Ross, Mamie Powell, Jessie Powell, Eddie Powell, Ora Della Powell, Willie Powell, Sarah Robinson, Fred Robinson, Lucy Robinson, Andy Robinson, Katie Robinson, Nettie Powell, Harold Powell, William Love, Frank Love, Amanda Gaskins and Charlotte French, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman

" T. B. Needles
Commissioner

" C. R. Breckinridge
Commissioner

Dated at Muskogee, Indian Territory

this APR 18 1905

(COPY) JFJr.

DEPARTMENT OF THE INTERIOR, LLB.

WASHINGTON.

D.C.1770-1907

I.T.D.5424-1905
8551- "

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

April 18, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the consolidated applications for enrollment as Cherokee freedmen by Emma Powell for herself and her minor children, Hattie Bell, Lula, Gertie, and Lillie Gusta Ross, and Mamie, Jessie, Eddie, Ora Della, and Willie Powell; by Sarah Robinson for herself and her minor children, Fred, Lucy, Andy, and Katie Robinson; by Nettie Powell for herself and her minor child, Harold Powell; by William Love for himself; by Frank Love for himself; by Amanda Gaskins for herself, and by Washington French for his wife, Charlotte French, including its decisions, without date, adverse to all applicants.

Reporting May 11, 1905 (Land 30880), the Indian Office recomended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed a motion for review of the decision of the Commission.

The Indian Office recommended that the decision of the Commission be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed motions for review of said decision.

The Cherokee Nation filed argument.

There appears to be no proper reason for granting said motions and they are hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motions for review, have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
o Indian Affairs.

17 inclosures.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 1st, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of William Love for enrollment as a Freedman of the Cherokee Nation, one copy of the original testimony of June 1st, 1901.

Mellette Smith
Attorney for applicant.

Cherokee F. #D479

F. D. 479

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of , 190 .

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 21 1901

Cherokee Freedmen
D-475.

Muskogee, Indian Territory, September 10, 1903.

Emma Powell,

Coffeyville, Kansas.

Dear Madam:

In the matter of your application for the enrollment of yourself and family as Cherokee Freedmen, you are hereby advised that further testimony is required as to whether your parents, Ben and Rhoda Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and that they, or either of them, returned to and were residing in the Cherokee Nation on July 19, 1866, or within six months thereafter. Further evidence is also required as to your residence since the War of the Rebellion.

You are further advised that the Commission will be at Vinita, Indian Territory, on Tuesday, September 22, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

Cherokee Freedmen
D-475.

Muskogee, Indian Territory, September 10, 1903.

Edgar Smith,
Attorney for Emma Powell, et al.,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Emma powell, et al., as Cherokee Freedmen, you are hereby advised that further testimony is required as to whether said Emma Powell's parents, Ben and Rhoda Alberty, were slaves of Cherokee citizens at the commencement of the War of the Rebellion, and that they, or either of them, returned to and were residing in the Cherokee Nation on July 19, 1866, or within six months thereafter. Further evidence is also required as to the residence of said Emma Powell since the War of the Rebellion.

You are further advised that the Commission will be at Vinita, Indian Territory, on Tuesday, September 22, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and the applicant has been directed to appear before the Commission on that date and introduce testimony covering the points above mentioned.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
D-479

Muskogee, Indian Territory, October 17, 1904.

Edgar Smith,

Attorney for William Love,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of William Love as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not Robert Love, father of the applicant, is a Cherokee freedman, and if so, whether or not he complied with article nine of the Cherokee treaty of 1866.

The said William Love has, therefore, this day been notified to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, November 23, 1904, and intruduce such testimony, at which time this case will be taken up for final consideration.

Respectfully,

Tams Bixby.
Chairman

Register

Cherokee Freedmen
D-479

Muskogee, Indian Territory, October 17, 1904.

William Love,

Coffeyville, Kansas.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not your father, Robert Love, is a Cherokee freedman, and if so, whether or not he complied with article nine of the Cherokee treaty of 1866.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday, November 23, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Chairman

Register

COPY

Cherokee Freedmen
D-475.

Muskogee, Indian Territory, December 1, 1904.

Larkin Powell,

Coffeyville, Kansas.

Dear Sir:

In the matter of the application for the enrollment of Emma Powell and her minor children as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not Lewis Ross, father of Hattie B. Lulu, Gertie and Lillie G. Ross, was a Cherokee freedman and complied with the ninth article of the Cherokee Treaty of 1866.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 22, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Register.

COPY.

Cherokee Freedmen
D-475

Muskogee, Indian Territory, December 1, 1904.

Edgar Smith,

Attorney for Emma Powell et al.,

Vinita, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Emma Powell and her minor children as Cherokee freedmen, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not Lewis Ross, father of Hattie B. Lulu, Gertie and Lillie G. Ross, was a Cherokee freedman and complied with the ninth article of the Cherokee Treaty of 1866.

Larkin Powell, husband of the principal applicant, has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 22, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

(SIGNED) Tams Bixby
Chairman.

COPY.

Cherokee Freedmen

D-475, et al.

Muskogee, Indian Territory, January 11, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of an order dated December 28, 1904, and signed by Commissioner Bixby, making part of the record in Cherokee Freedmen cases a part of the record in other Cherokee Freedmen cases as follows:

A copy of the testimony taken at Chelsea, Indian Territory, on June 6, 1901, in the case of Lewis Ross, F. D-849; the Commission's decision dated March 5, 1904, in the consolidated case of Esau Fox, et al., F. D-508, et al., in which was included the said case of Lewis Ross; a copy of departmental letter of August 31, 1904, affirming said decision, to be made a part of the record in the cases of Emma Powell, et al., F. D-475; Sarah Robinson, et al., F. D-476, and Nettie Powell, et al., F. D-478.

A copy of the testimony of Robert Adair taken at Chelsea, Indian Territory, on May 31, 1901, in the case of his wife Ida Adair, F. R-99, to be filed with and made part of the

record in the cases of William Love, F. D-479, and Frank Love, F. D-870.

Respectfully,

Tamc Bixby.
Chairman.

Incl. S-12.

COPY.

Cherokee Freedmen

D-479.

Muskogee, Indian Territory, April 18, 1905.

William Love,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, rejecting, among others, the application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-68
Register

COPY

Cherokee Freedmen

R-475, et al.

Muskogee, Indian Territory, April 18, 1905.

Edgar Smith,

Attorney for Emma Powell, et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell and rejecting, among others, the applications for the enrollment of Hattie B., Lula, Gertie and Lillie G. Ross, Nannie, Jessie, Eddie, Ora D., Willie, Wattie and Harold Powell, Sarah, Fred, Lucy, Andy and Katie Robinson, William and Frank Love and Amanda Gaskin, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Dixby.

Chairman.

Incl. R-73
Register.

COPY.

Cherokee Freedmen

D-475, et al.

Muskogee, Indian Territory, April 15, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 13, 1905, dismissing the application for the enrollment of Emma Powell and rejecting the applications for the enrollment of Hattie B., Lula, Cortie and Lillie G. Ross, Mamie, Jessie, Eddie, Ora D., Willie, Nettie and Harold Powell, William and Frank Love, Sarah, Fred, Lucy, Andy and Katie Robinson, Amanda Gaskin and Charlotte French, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-76

Copy.

Cherokee Freedman
P-475, et al.

Muskogee, Indian Territory, April 10, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Emma Powell, et al., including the Commission's decision dated April 1, 1906, dismissing the application for the enrollment of Emma Powell and rejecting the applications for the enrollment of Pattie B., Lula, Gertie and Lillie D. Ross, Mamie, Jessie, Eddie, Ora D., Willie, Nettie and Harold Powell, William and Frank Love, Sarah, Fred, Lucy, Andy and Katie Robinson, Amanda Gaskin and Charlotte Grench, as Cherokee freedmen.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-77

Through the

Commissioner of Indian Affairs.

Land
30880-1905.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington.

May 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated April 18, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Emma Powell for herself and her minor children, Hattie Bill, Lula, Gertie and Lillie Gusta Ross and Mamie, Jessie, Eddie, Ora Della and William Powell; by Sarah Robinson for herself and her minor children, Fred, Lucy, Andy and Katie Robinson; by Nettie Powell for herself and her minor child, Harold Powell; by William Love for himself; by Frank Love for him self; by Amanda Gaskins for herself and by Washington French for his wife, Charlotte French.

On blank date the Commission decided adversely to all the applicants.

The record shows that Emma Powell was born about the commencement of the war of the rebellion, and was the daughter of Ben and Rhoda Alberty, both deceased, and both of whom were slaves of a Cherokee citizen at the beginning of the war of the Rebellion; that Charlotte French was the daughter of Rhoda Alberty and was the slave of a Cherokee citizen.at the

beginnin of the war; that Emma Powell and Charlotte French, together with Ben and Rhoda Alberty resided in the State of Kansas during said war and that Emma Powell, Charlotte French, Ben Alberty or Rhoda Alberty did not return to the Cherokee Nation on or before February 11, 1867. The record further shows that Emma Powell died March 2[illegible], 1902.

The record further shows that Hattie Bell, Lula, Gertie and Lillie Gusta Ross, Sarah Robinson and Nettie Powell were born since 1866 and are children of Emma Powell and one Lewis Ross and that the rejection of the application of Lewis Ross was approved by the Department August 31, 1904. The applicants, William and Frank Love, Jamie, Jessie, Eddie, Ora Bella, and Willie Powell, Fred, Lucy, Andy and Katie Robinson, and Harold Powell are children of the applicants, Emma Powell, Sarah Robinson and Nettie Powell, were born since 1866 and possess no rights to enrollment other than as descendants of their said mothers. The applicant, Amanda Gaskins is a daughter of Ben Alberty, was born since 1866 and possesses no rights to enrollment other than as a descendant of her father.

None of the applicants is identified on the 1880 authenticated Cherokee roll nor the Cherokee Census roll of 1896.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. H. Larrabee.

Acting Commissioner.

M.W.M.
W.

N'Cherokee Freedmen

D-479.

Muskogee, Indian Territory, November 8, 1905.

Will Love,

Care of George Campbell,

Coffeyville, Kansas.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of October 24, in reference to your right to enrollment as a Cherokee freedman. You also ask that you be permitted to select an allotment of land in the Cherokee Nation.

In reply you are advised that on April 18, 1905, the Commission to the Five Civilized Tribes rendered its decision, rejecting your application for enrollment as a Cherokee freedman, and the same was on that date forwarded to the Secretary of the Interior for his review and decision. You will be advised of the Department's action as soon as this office is informed of the same.

You are further advised that this office does not receive applications for the selection of allotments in the Cherokee Nation for persons claimants for enrollment as citizens of the Cherokee Nation but whose rights have not been finally determined.

Respectfully,

SIGNED.

Tams Bixby

Commissioner.

LS

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
D-479

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 17, 1907.

William Love,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 16, 1906, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of the Cherokee freedmen enrollment case of yourself, et al., filed by your attorneys, September 7, 1905, denied.

Respectfully,

Commissioner.

JMH

Cherokee F.
D-475 et al.

Muskogee, Indian Territory, January 17, 1907.

Blue & Bulger,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell, and rejecting the applications for the enrollment of Hattie B. Ross, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of the said case, filed by you September 7, 1905, denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl.H-20
JMK

Cherokee F.
D-475 et al.

Muskogee, Indian Territory, January 17, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 18, 1905, dismissing the application for the enrollment of Emma Powell, and rejecting the applications for the enrollment of Mattie E. Horn, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, January 5, 1907, and two motions for review of said case, filed September 7, 1905, denied.

For your information, there is enclosed herewith copy of Departmental decision referred to.

Respectfully,

Encl. M-21
JMH

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 3 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 1 1901

Date

Post Office Coffeyville, Kas

District Cedo

1. Name William Lane Age 23

Citizenship

Owner's name

Year N.C. Page 167 No. 8114 District Cedo

Parents:

Father Bob Lane Citizenship Colored

Mother Emma Powell Citizenship "

2. Name of wife Age

Citizenship

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Stenographer Chas Van Hoist

Application made by

On N.C roll as Will Alberty

on Wallace roll P. 139 No. 2877, Wm Lane, Cedo

Represented by Mellette & Smith, Vinita, I.T.

Rejected No 4475

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. William Love,
Coffeyville, Kansas.
Cherokee F-D-479
Register.

C.F.D. 479.

Further testimony required to show whether or not, Robert (Bob) Lowe, father of the applicant herein, is a freedman citizen, and if so whether or not he has complied with treaty stipulations of 1866.

Consolidate with D-475, D-476, D-478, D-879, D-994 & D-1012.

Address, William Lowe, Coweta, Okla.

A.F.M.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

REGISTERED
MUSKOGEE, IND. TER.

Only attorney
10/2-04 #1.

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

William Love,
Coffeyville, Kansas.

1143

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

PENALTY FOR PRIVATE

JAN 2 1907

William Love,
Coffeyville, Kansas.

Pointing
43

Cher. Fr. R. 908

Trans. from C. Fr. D. 483

Cher. Fr. R. 908

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 16 1909

To be filed with case of Lucinda McKinney, et al., C. F. -D.#483.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 1, 1901.

In the matter of the application of Wilson Towers for the enrollment of himself and wife as Cherokee Freedmen.

Mellette & Smith, Attorneys for Applicant;
W. W. Hastings, for Cherokee Nation;

Wilson Towers, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name. A Wilson Toweres/
Q How old are you? A I can't tell you, I am called about 30 or 40 when the war came up.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee I think.
Q Do you want to apply for enrollment as a Cherokee Freedman.
A Yes, sir.
Q Do you want to have anybody enrolled besides yourself? A Yes,sir
Q Who all is it; have you got a wife? A I have got a wife.
Q You want to apply for your wife do you? A Yes, sir.
Q Now how many children have you got? A I have one boy.
Q Is he over 21 years of age? A No, sir, about 10 years old; he is an adopted child.
Q Is that all? A A sister.
Q Is your sister 21 years of age? A Yes, sir.
Q She must apply for herself; who else in your family do you want to apply for? A That is all, just me three.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q Were you a slave in the Cherokee Nation when the war came on?
A Yes, sir.
Q Do you cl aim to have lived here all your life? A Yes, sir.
Q Give me the name of your master? A Ellis Towers.
Q Was he a well known Cherokee citizen? A Yes, sir.
Q Where did he live? A He lived in Going Snake until the war came up.
Q Is he dead? A Yes, sir.
Q Give me the name of your wife? A Annie Towers.
Q How old is your wife? A She is about 40 years old I expect.
Q Is she a Cherokee Freedman of her own right? A Yes, sir.
Q How long has she lived in the Cherokee Nation? A Born in the Cherokee Nation, in Georgia.
Q When was she brought here? A Brought here in the fall of '66, somewhere along there.
Q From Geogia? A No, sir, she had been here in the Territory.
Q When did she come from Georgia? A Yes, she came from Georgia.
Q When? A I can't tell you that, been years, she came here with the old Cherokee Freedmen.
Q well she must be over 40 years? A well she has lived here 40 years, yes, sir, in the Territory, she was born here in the Territory.
Q You are not giving answers to my questions, you evidently don't understand them; how old is your wife? A I tell you I thought she was about 40 years old I think.
Q Well, where was she born? A In Georgia.
Q When did she come from Georgia to the Cherokee Nation? A I can't tell you what time of the month or what year, I have got no education
Q Was she a slave in the Cherokee Nation when the war came on?
A Yes, sir.
Q To whom did she belong? A Ellis Towers.
Q Did she belong to the same man you belonged to? A Yes, sir. She first was an Eaton and then she married into the Towers family.
Q Did your wife belong to the same Ellis Towers that you belonged

to when the war came on? A Yes, when the war came up.
Q When did you marry your wife? A I can't tell you, been about 30 or 40 years I guess.
Q And yet she is only 40 years old? A I can't say, I don't know how long that has been.
Q Were you married to her when the war came up? A Yes, sir.
Commissioner: The old man is evidently greatly mistaken as to his wife's age.
Q Is your wife as old as you are? A No, sir, I am a little oder, as well as I can guess at it .
Q Have you and she lived together ever since you were first married? A Yes, sir.

The 1880 Authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kern-Clifton roll examined, and the applicants identified thereon as follows:
Wilson Towers on page 142, No. 3524, Cooweescoowee District
Annie Towers on page 142, No. 3525, Cooweescoowee District.
The Wallace Roll examined and the applicants identified thereon as follows:
Wilson Towers on page 141, No. 2960, Cooweescoowee District
Annie Towers on page 141, No. 3412, district not given.

Mr. Mellette: Wilson, where did you go during the war?
A Went to Kansas after the war, before the war stayed with the soldiers about a year and then went to Kansas.
Q When did you come back to the Indian Territory? A I cam beck the fall of '66 as well as I recollect.
Q To the Cherokee Nation? A Yes, sir.
Q Who did you come with? A Sam Webber and old man Sanders, Reuben Sanders, and then I don't know how many others, I don't just know.
Q Have you lived in the Cherokee Nation since you came back in '66? A Yes, sir.
Q Did you ever vote in the Cherokee Nation? A Yew, sir.
Q How many times? A I voted I don't know how many times, three or four times I know of.
Q How many elections did you ever vote at? A Three or four times I know.
Q Ever vote for Chief? A No, sir, I never voted for chief; I have voted for chief two or three times I know.
Q You own a place in the Cherokee Nation on the public domain, or have you ever owned a place? A Yes, sir, I own a place now.
Q Got a place now? A Yes, sir.
Q How many acres in cultivation? A I have got something over 100 acroes.
Q In cultivation? A Yes, sir.
Q Where is it located? A Big Creek.
Q How long have you owned that place? A Owned it ever since '66, came here and went right to work on it.
Q It is the same place you located on when you first came back? A Yes, sir.
Q Still living on it? A Yes, sir.
Q Do you rent it or do you culvivate it yourself? A I have been renting it since I got so old I can't work on it, I have a tenant on it now.
Q Did the Cherokee Nation ever issue you any permits as a citizen of the Cherokee Nation? A Yes, sir.
Q Have you got any of them? A I might have one of them now; I can't read nothing (hands attorney paper.)

Mr. Mellette: I desire to offer in evidence a permit issued to the applicant by John Bullet, Clerk of Cooweescoowee district, Cherokee Nation, on the 14th day of February, 1882, authorizing him to emply noncitizens to work upon his place.

Commissioner. This is filed herewith.

MR. HASTINGS: Where did you marry your present wife?
A I married her down south her.
Q Before the war? A Yes, sir.
Q Were you with her after you quit the army during the war?
A Yes, sir.
Q were you with her just after the war closed? A I was with her before the w ar.
Q Were you with her just after the war closed? A Yes, sir.
Q And you have lived with her ever since? A Yes, sir.
Q Where she has lived you have lived? A Yes, sir.
Q What is her name? A Annie Towers.
Q Where and at what place were you in Kansas just before you came back here? A Fort Scott.
Q Do you know when you left Fort Scott? A I left it in '66 as well as I recollect, the fall of '66.
Q You are not positive about that? A Well I am positive about that too.
Q Was it in the early fall or winter, was winter coming on?
A It was getting cold weather as well as I recollect.
Q Do you know anything about dates? A No, sir, I don't.
Q When was your first child born? A Long before the war.
Q Do you know what year? A No, sir.
Q How many children have you had born to you and your wife?
A About six, five or six.
Q Do you know any of the years any of them were born?
A No, sir, I don't know any dates at all.
Q You don't know anything about dates or years? A No, sir, heardly know the days of the week.
Q You know the months? A No.
Q You know what month this is? A No, I don't, to tell the truth.
Q Do you know what year this is? A No, sir, I don't know what year this is.
Q Did you bring your wife back with you when you came after the war? A Yes, sir.
Q She came with you, did she? A Yes, sir.
Q Did you bring all the children you had? A Yes, sir.
Q How many children did you have then? A I had my sisters children, two I believe.
Q Did you have any of your own children? A I had one and he died after I came down here.
Q What was his name? A George Towers.
Q Was he born in Kansas or before the war? A Before the war; he was nearly grown when he came down here.
Q Now you are living on the same place now you came and made in 1866 ? A Yes, sir.
Q You have lived there ever since? A Yes, sir, I have lived there ever since.
Q Do you know Wat West? A Yes, sir, I have saw him.
Q Where did you last see him? A I saw him yesterday.
Q Did you have any talk with him yesterday?
A No, sir, no more than with old acquaintances knowing one another.
Q Did you see him in Fort Scott, Kansas, after the war? A He said he saw me, but I didn't recollect him, seeing him there.
Q Did you have any conversation yesterday with him about it?
A No, just talking about old times principally.
Q Well, did you tell him yesterday that you saw him up there?
A No, I told him I couldn't recollect him, that is what I first told him, and he made known when I saw him last.
Q He made himself known? A Yes, sir.

Q And then you rememred seeing him when he made himself known?
A No, he said he came to my house and I wasn't at home.
Q where did you say you were? A My wife me he came came there and I wasn't there, he said I must have stayed at home because I was there, but I was gone somewheres but he didn't recollect.
Q That was at Fort Scott? A Yes, sir.
Q Did you come home in a wagon? A Yes, sir.
Q Did you ever see Jim McLaughlin in Fort Scott, Kansas, after the war? A Not that I know of I didn't.
Q Did you ever see Simon McKinzie up there? A Not that I know of, I wouldn't know him now if I were to see him.
Q Did you ever see James Foreman up there? A No, sir, I didn't see him.
Q About how many years after the war had closed until you came down here? Until you came down to Big Creek? A I can't tell you how many years that was.
Q As much as three or four years? A Well you know when Mr. Ross came down.
Q No, I don't know. A Well, we met him as we were coming down here; he asked us were we coming home boys, and I says yes, and he says that's right, you in plenty good time; that is all I can tell you about it.
Q After the war closed you made a crop up in Kansas? What did you do? A I rented a crop up there the first year about time the war closed.
Q Did you raise one the next year? A No, sir.
Q How many crops did you riase in Kansas? A I never raised but one, that was after we went there.
Q You lived in town after that? A I was living in town then; I had to go to work or starve.
Q Did you come when M r. Webber came and moved his family?
A Yes, sir, we all came together, old man Webber and Uncle Martin, and God Knows how many of us came.
Q Is was getting cold weather in the fall of '66? A As well as I recollect, I can't certify it unless I can tell.
Q Were there any houses up on Big Creek at that time?
Q I never seed none but the Osage camps, I never seed no Cherokees or any white men.
Q There wasn't any colored people had houses there?
A Yes, there was.
Q Who? A I had one.
Q I mean when you first came? A Oh no, I never saw none I saw Nim Martin's old house.
Q How far did you ,ocate from Jim Martin? A About five or six miles above where I am living now.
Q Well, Jim Martin was living near you at the time you were living there? A He wasn't living here when I came here.
Q You said you saw his house? A I seen his old house, where he had lived, him and Bill both, and when we come down here the chief told us we mustn't settle on any old claims, and went from Snow Creek clear down to Coody's Bluff.
Q You didn't find any houses along there? A I found somd old places.
Q Whose old places did you find? A Found James Martin's and I cant tell you how many we found, there was a whole crowd of us and we were hunting places.
Q Well there were no new places made at that time?
A I never saw them.
Q Sam Webber didn't have any place? A No, I don,t recollect that he did.
Q None of the rest of them that came with you; they all made their places did they? A Yes, sir.
Q How far do you live from Jim Martin now? A About four miles from where he lives, maybe five.

Q Was he living at that place when you came there? A No, sir, I saw his old house, looked like it had been nuilt before the war to me.
Q How far was his old house from where you are living now?
A About five or six miles above.
Q Well, how far is he living now from where the old house was?
A I don't know how far it is.
Q About how far to your best jud ment? A I never noticed how far it was.
Mr. Mellette: Did you ever get any other permits from the Cherokee Nation except the one introduced in evidence here? A Yes, sir, I got three or four but my renters got them this year.
Q What became of the other permits that you got? A I don't know, what became of them heardly, I might find them about home somewheres.
Commissioner: Your son George Towers is he living? A No, sir, he is dead.
Q How long has he been dead? A He died about eight or nine years ago I guess.
Q Was he a man of family? A No, sir, he wasn't hardly of age, just a young man.
Q Did you say he came with you from Kansas? A Yes, sir.
Q The first time you came? A Yes, sir.
Q Did he die after the Wallace roll was made? A Must have been before I guess.
Q You sa he has been dead eight or nine years? A Yes, sir, about the time, I think he died the old settlers' ---I can't tell exactly what time it was when he died.
Q You think he died before the Wallace roll was made?
A I think he died as well as I can recollect.
Q Was he old enough to vote when he died? A No, sir, he wasn't hardly of age, I don,t think he voted.
Q Anybody in your family named John Towers? A No, sir.
Q Do you know of any roll that your son George was put on?
A No, sir, I think hedied before the first enrollment as well as I can redollect.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recored the testimony and proceeding in the above case, and the foregoing is a true and complete trans ript of his stenographic notes thereof.
(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 1st of June, 1901.
(Signed). T. B. Needles,
Commissioner.

Continued, June 1st, 1901.

SAM WEBBER, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give me your full name? A Sam Webber.
Q Give me your age. A About 58.
Q What is your post office? A Nowata.
Q How long have you lived in the Cherokee Nation?
A Ever since '66.
Q Were you in the Cherokee Nation when the war came on? A Yes,sir
Q Were you a slave in the Cherokee Nation at the time the war broke out? A Yes, sir.
BY MR. MELLETTE, Attorney for Applicant: Are you on the roll of 1880 as a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q Do you know Wilson Towers, the applicant? A Yes, sir.
Q Do you know when he returned to the Cherokee Nation? A Yes,sir.

Q When? A We come down in the latter part of July, and built some shanties and went back, and moved in the fall here of '66.
Q Did Wilson Towers make both of those tripsxx with you?
A He made both of those trips. He surely made both of those trips as I know him.
Q Where did Wilson Towers locate when he came down?
A Right there on Vig Creek.
Q Where has he lived si ce that time? A Right at the first place he took.
W. W. HASTINGS: Did he bring his wife with him when he come in the fall of '66? A Yes, sir, he brought her with him.
Q Who else did he bring? A He brought a girl, his sister's daughter, called cindy, and a boy, they called- we called him Dick, they called him Richard some time, and he had a son that died. I can't call his name. He died shortly after they come here.
Q Are you positive he come in the fall of '66? A Yes, sir, I know it.
Q About what time in the fall? A Sometime along in the fall when we moved.
Q And he located there and been there ever since, he and his family?
A Yes, sir, been right there ever since.

LEWIS WRIGHT, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name. A Lewis Wright.
Q Give me your age. A I am 62 years old, as near as I can recollect.
Q What is your postoffice? A Hayden, I. T.
Q How long have you lived in the Cherokee Nation? A I have lived ere all my life.
BY MR. MELLETTE: Are you upon the roll of 1880 as a Cherokee Freedman? A Yes, sir.
Q Do you know the applicant, Wilson Towers? A Yes, sir, I know him.
Q Do you know when he came back to the Cherokee Nation after the war? A Yes, sir, I know when he come back.
Q When did he come back? A He come back along in the fall of '66.
Q How do you know it? A I seed him.
Q Did you come with him? A I didn't come with him; I was here when he come; I seen him on Big Creek.
Q You saw him on Big Creek? A He and Mose. He was moving his things when he come.
Q You had already come in, had you? A Yes, sir.
Q And you saw him as he was moving in in the fall of 1866?
A Yes, sir.
BY W. W. HASTINGS: You swear that positively, do you now?
A I do as near as I can recollect.
Q That is just as near as you can remember? A Yes, sir.
Q Who was with him when he moved in? A There was a who,e lote of them; I don't know them all now, they are scattered around; I forgot about them.
Q A great many people were coming along in that time a nd a few years after the war? A Yes, sir, a good many were coming in then.
Q You had build a house then? A I hadn't built no house when I seen him at that time, but I built a house in the spring after that when the sap came up in the timber so I could get this big elm.
Q Where wereyou living at that time? A I was camping on Lighthing creek on the place where I live now.
Q Were there any houses in Big Creek when you went up there?
A Only two was all I knowed of.
Q Who two? A Old Uncle Peter Meigs, and old Uncle Sam Webber.
Q Thoese were the only houses you saw? A They were the only ones I saw.
Q What year did you come back? A I come back that same year.

Q In the early spring? A Yes, sir.
Q Did this man's family come with him? A His family wasn't with him when he first come; he come to build a house, and we went back, and then come afterwards.
Q Did you see him when he come to build a house?
A That was the time I seen him.
Q What time of the year was that? A That was along early in the fall of '66.
Q When did you see his family? A I seen his family in the winter after that? I don't know exactly what time

W. W. Hastings, Representative of the Cherokee Nation, desires to introduce at this time a witness on behalf of the Cherokee Nation.

WALTER A. WEST, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name A Walter A. West.
Q How old are you? A 61 years old.
Q What is your post office? A Spavinaw.
Q How long have you lived in the Cherokee Nation?
A All my life except the war time.
BY W. W. HASTINGS: Mr. West, do you know the applicant there, a colored man, Wilson Towers? A Yes, sir, I used to be acquainted with him.
Q Did you know him before the war? A Yes, sir.
Q Do you know his wife, Ann Towers? A Yes, sir. I did know her.
Q Did you know her before the war? A Yes, sir.
Q Did you ever see either him or his wife since the war?
A I saw his wife and children since the war, but I never saw him until yesterday.
Q Where did you see his wife and children? A It was at Fort Scott, Kansas.
Q Were they living there? A yes, sir.
Q At the time you saw them? A Yes, sir.
Q When was that you saw them? A In '67.
Q What time in '67? A Along in September, I think it was, as well as I can recollect.
Q Do you know where he was at the time? A I asked his wife -

Mr. Mellette objects to anything his wife says.
Com'r Breckinridge: The objection is overruled and he can state the conversation he had with his wife.

Mr. Hastings: Answer the question? A I asked his wife where her husband Wilson was and she said he had gone to Mapleton, a little town above Fort Scott, somewhere.
Q And you know that was in '67? A Yes, sir.
Q You are positive about that? A I am as positive about that as anything else I know.
Q You knew this woman before the war too? A Yes, sir.
Q How long did you stay there? A I stayed there about two or three hours, I talked with them. I hadn't seen them since the war and I heard they were there and I went to see them as I had to stop there at Fort Scott.
Q Have you had any conversation with Wilson Towers about his return since? A Well, I and he was talking yester evening, but I never said anything about his return. I asked where he was the day I was at his house and he said he went up after his folks; he told me who they were, but I don't remember.
Q They were living there at the time? A Yes, sir.
BY MR. MELLETTE: In what capacity, Mr. West, are you here attending this Commission , as a witness? A I presume so.
Q You are held here as a witness in any case which you may know anything about? A Yes, sir, that is about all, I reckon.
Q Now, when did you come back from Kansas after the war?
A I came back from the South after the war.

Q What year? A '66.
Q What time in '66? A I left Red River February 1st, '66.
Q What time did you get in the Nation? A I passed through the Nation and went to Fort Scott, where mother was living.
Q And you got up in Kansas in the spring did you? A Yes, February.
Q How long did you stay in Kansas? A Until about the first of May.
Q And then what did you do? A Came in by Noesho River.
Q In the Cherokee Nation? A Yes, sir.
Q Did you ever go back to Kansas any more? A Yes, sir, occasionally to go to Fort Scott and buy provisions, that I was trading on; groceries and suxh as that.
Q Had you seen Wilson Towers since he moved into the terrtory until this time yesterday? A No, sir.
Q Had you ever been a witness in this case before? A I believe I had.
Q When? A Before the Kern-Clifton Court.
Q Did you swear the same thing before the Kerns-Clifton Commission that you sweat here? A Yes, I think I did.
Q Did you swear psotively that it was in '67 you saw them up there? A I think I did, as well as I remember.
Q When you were a witness there before the Kerns Clifton Commission is that the first time you had been called to testify to that fact as to about seeing these people up there in the fall of '67?
A It seems to me I was called in at Claremore, the first time, after the Court passed on it at Claremore.
Q That was about six years ago, five yers ago that the Clifton Commission sat? A I think it was.
Q Up to that t me had you seen Wilson Towers or his wife since the war? A No, sir, I never seen them since I left there.
Q Then up to the time that Clifton Commission metyour attention or recollection hadnever been called to the fact that you saw those people up there in Fort Scott, Kansas, had it?
A I have talked about it, but I don't remember.
Q How did the question happen to come up?
A Inquiry, just like this Court business.
Q You said you were never called on as a witness? A No, not as a witness. I thought you meant civil conversation.
Q Will you swear that it wasn't in the fall of '67 you saw those people up there? A I won't swear any other time, only I think it was in the fall of '67.
Q You were up at Fort Scott in the fall of '66? A Yes, I have been up there several times.
Q You were at Fort Scott in the fall of '66? A I don't remember; I was there n the summer time.I Was buying groceries and bringing them to the military road selling to cow men on the road.
Q You were in Fort Scott in the fall of '66, weren't you?
A I don't exactly remember it.
Q Why don't you remember where you were in the fall of '66?
A I was here in '66 on the road lower down, in the fall.
Q You say you were in Fort Scott in the summer of '66?
A I went to Fort Scott and got provisions and come back here.
Q Don't yo8 know you might have an idea that you run acorss Wilson Towers and his family in '66 when you were there? A I might have an idea, but I didn't meet them.
Q Do you swear ~~pxxg~~ psotively that you didn't see him in '66; that you didn't see his wife and family? A Yes, sir, I will swear positively it was '67.
Q How do you remember that? A Because of my transaction of business.
Q You had been transacting business all the time from the spring of '66? A Not all the time; every once in a while I would go to Fort Scott. I will tell you I went after a load of good for another party and as for my individual concerns, I got most of my supplies back here in the spring.
Q You first arrived at Fort Scott in February, '66? A I didn't stay in Fort Scott at all; I was this side eleven miles, where my mother was living then.

Q Did you go up there frequently in the summer? A Frequently
Q [redacted]
Q Fort Scott was a small place, was it? A Yes, sir, tolerable small.
Q Did you see anybody else up there you knew at Fort Scott?
A I saw Jesse Bushyhead when I was there.
Q When did you see him? A Some time in '66; he went to Kansas after some goods and I met him there.
Q Did you see any colored people there? A He wasn't a colored man; he was a Cherokee.
Q Did you see any colored people up there? A I saw a great many colored people, but I wasn't acquainted with them.
Q Anybody else you know? A No, I would't have seen them, but I inquired about them, and they told me he was there.
Q Who told you that? A I don't know.
Q Who do you tihink? A It is out of the question; I can't think of that now.
Q Why couldn't you have seen him in '66 or '67 as well?
A If I had run across him, I could have seen him then as well in '66 as in '67, but I didn't see them then.
COMMISSIONER: What was the occasion of your first visit to Kansas after the war? A My mother lived in Drywood this side of Fort Scott.
Q How far? A Eleven miles.
Q When was it you went there the first time after the war?
A On February 1st I left Red River.
Q In what year? A In 1866.
Q How long did you stay there on that visit? A Until about the 1st of May.
Q In the same year? A Yes, sir.
Q And then what did you do? A I came to Neosho River and set up a trading post of groceries and some stuff.
Q How long was it before you went back to Kansas? A I would go back to Baxter Springs and sometimes I would go to Fort Scott, but never kept any particular date or time.
Q Did you go back to Fort Scott several times before the following Christmas, the Christmas of '66? A I made more trips when they were in Drywood from the time I left the first time than any other time.
Q You came back on your first trip in May of '66? A Yes, sir, from Kansas; it was about the 1st of May as far as I remember.
Q In '66? A Yes, sir.
Q Then you came back from your first visit from your mothers?
A Yes, sir.
Q Have you any distinct recollection of your visits back to Fort Scott between that time and Christmas of 1866? A I don't remember exactly the dates and days.
Q Were you there several times? A Yes, I was there several times to get a few groceries from Baxter Springs and got started up. I remember of one day going to buy a barrel of salt and had to pay nine dollars for it, and I made a kick on it.
Q Did you go back to Fort Scott more than once during the year 1867?
A I passed through there.
Q Did you pass through there several times? A Yes, sir.
Q Had you been to points north and beyond Fort Scott?
A I have been to Kansas City.
Q Did you hear of this man Wilson Towers on any of those visits before the fall of '67? A Yes, sir, I heard of them directly after I got there; my folks knew them, and they told me about them but that was the first time I seen them.
Q You heard of them in February of '66? A Yes, sir, I heard of them there then.
Q Have you a distinct recollection however that you didn't see him until the fall of '67? A No, sir, I camped there in the fall of '67; I was hauling goods for myself and other parties, and particularly for myself.

Q Well, you didn't see him at all in the fall of '67?
A No, sir, I didn't see him at all; I saw his family.
Q Did you see his family any time previsou to that time? A No,sir.
Q Did you see his family any time after that? A No, sir, never saw them from that time until this.
Q You were at his house only once? A Just once, yes, sir.
Q What was the occasion of your going to his house? A Just simply to see them. I was there knocking around after I camped, and I had nobody that I was acquainted with, and I thought I would go to see Wils and Ann. I understood they were living near a Spinning Foctory, and I went there and inquired where Wils was and stated he was to Mapleton. I asked him yesterday what his business was, and he said at that time hwe went after his folks.
Q How did you happen to know where they lived? A I was told they lived down by the factory.
Q You made inquiry for them? A Yes, sir, just the same as I would here in Chelsea if I didn't know where anybody lived.

The applicant applies for the enrollment of himself and wife. The applicant is identified on the Wallace roll and on the Kerns Clifton roll, but not upon the roll of 1880 or upon that of 1896. The testimony shows that he was a slave in the Cherokee Nation at the time of the breaking out of the Civil War, and that he has lived in the Cherokee Nation all his life, except his absence in Kansas incident to the war. In regard to the date of his return from Kansas, the testimony is conflicting, the applicant claiming that he first returned in the fall of 18966, some of his witnesses claiming that he came in the previous July to make provisions for the return of his family, and that then he returned in the fall of 1866, while the testimony introduced by the Cherokee Nation definitely locates his family at Fort Scott, Kansas, in the fall of 1867, and apparently accounts for the applicant as being at that time temporarily absent from home, and in the State of Kansas. For the further consideration of the testimony, the applicant will be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision of the Commission will be made known to him at his post office address. As regard his wife, Annie, she is identified on the Kerns Clifton roll and the Wallace roll, but not upon the rolls of 1880 or 1896. The testimony in her case is substantially that as in the case of her husband, there being at this time no dispute that she was a slave in the Cherokee Nation, and that a slave like her husband of a Cherokee citizen at the breaking out of the Civil war; and she and her husband it appears were married prior to the Civil War, and have lived together as husband and wife ever since. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post office address.

The undersigned, being duly sworn, states that as stenogrqpher to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 4th day of June, 1901.
(Signed) T. B. Needles,
Commissioner.

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W. T.--11.

AUG 16 1901
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing copy, and that same is a true and complete copy of the original transcript of the testimony and proceedings in the above case.

J O Rosson

Subscribed and sworn to before me this 14th day of August, 1901.

Commissioner.

File with Cherokee Freedman, D-483, Lucinda McKinney.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 1, 1901.

In the matter of the application of Wilson Towers for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

SIMON McKENZIE, being duly sworn by Commissioner Breckinridge, testified as follows:

Commissioner: Give me your name, please? A Simon McKenzie.
Q What is your age? A 59.
Q What is your postoffice? A Pryor Creek.
Mr. Hastings: Mr. McKenzie, how long have you lived at Pryor Creek?
A I have lived at Pryor Creek, I guess about 12 or 13 months.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q You have been enrolled by the Commission? A I have never been enrolled by the Commission, but I was born a Cherokee by blood.
Q Do you know a colored man by the name of Wilson Towers? A Well, yes I used to know him when I lived in Fort Scott, I lived in Fort Scott in '66 and '67, at the time when I lived in Fort Scott I knew Wilson Towers in the year '66 and '67; I left there early in '68, in April.
Q Was this in Fort Scott, Kansas? A Fort Scott, Kansas, Burbour County.
Q Well now when did you move to Fort Scott, Kansas? A I came when I was mustered out from the army from Fort Leavenworth, when I came back I stopped there at Fort Scott, and I just remained there.
Q Well now how long did you stay there until you got acquainted with Wilson Towers? A Well, after I got acquainted, he was driving a public truck, that is how I came to be ~~ex~~ acquainted with Wilson Towers, he was hauling rock and one thing and another around in town where I worked.
Q About how long had you been there before you met him? A I expect I had been there along about, well I guess about, well I think two or three years, because I worked away from town when I came to town first, before I moved away from town.
Q Well now how long after you were mustered out of the army after the Civil War, was it you went down to Fort Scott? A It wasn't but a short time, we were mustered out, and when I left Fort Leavenworth I came back to Fort Scott in August, '65.
Q Now how long did you know Wilson Towers in Fort Scott, Kansas?
A I knew Wilson Towers the whole time I lived there.
Q During what years did you live there? A I came there in '65, '66, and I left there early in the spring of '67; no, '68, I moved away from there early in '68, in the spring.
Q Where was Wilson Towers when you left there? A He was right in Fort Scott, he lived right down on a lot by the old Fort Scott mill.
Q Did you know him all the time that you lived there in Fort Scott?
A Yes, because I was working there on the public work all the time and he was hauling wood and water and sand.
Q Work with him? A No, sir, I was working for Billy Shannahan there.
Q About what age man was he went you first knew him there in '65?
A I would judge about a ~~mixx~~ middle aged man.
Q You know whether he was married or not? A Well, he had a woman

there, kind of a Cherokee looking woman, I don't know whether he was married or not, I can't say.

Q Have you ever seen this Wilson Towers down in the Cherokee Nation?

A Never have seen Wils Towers.

Q You don't know where he lives now? A I don't know where he lives now; you see when I left it was early in '68, in the spring, and I went back in '70 and when I went back he wasn't there.

Q He was gone? A He was gone.

Q Did you know him there from '65 to '68? A Yes, sir, because me and him many a time got drunk together; of course when a man takes a drink together they are pretty well acquainted.

Q Do you know, from any conversation with him, what state he had come from? A I never did.

Mr. Smith: Mr. McKenzie, you were mustered out in what month?

A August.

Q Of '65? A In '65.

Q At what place? A Fort Leavenworth.

Q Then how long did you stay in Fort Leavenworth before you went Fort Scott? A I stayed after I was mustered out, I guess about a day I reckon and we came to Fort Scott.

Q In what month did you leave Fort Scott? A In August.

Q August of '65; how long had you been there before you first met Wilson Towers? A I hadn't been there very long.

Q Approximate the time as nearly as you can? A I can't say exactly the time because I had been there for some time, I was working away from town first, and when I came back to town to work.

Q Did you know him at all in that year? A Yes, sir, in '65, in the fall, because I was working in the town in the fall and that is where he was hauling rock.

Q Were you married? A No, not when I came to Fort Scott.

Q Was he married? A I don't know whether he was married or not, he had a woman on his place.

Q Where did you first see him? A I saw him right there next to the old Fort Scott Mill.

Q What kind of work was he doing? A He was driving a little mule team and hauling wood and water and rock and whatever he could haul.

Q That was in the fall of '65? A In '65.

Q Where did you live while you were working there? A I was just living out and boarding out when I was in town, I didn't live with anyone, I was just staying there.

Q How long did you stay there? A Stayed there till I got married.

Q That was when? A Along in '66.

Q Did you get married in '66; what time in '66? A I can't tell what time, I never kept no record of it.

Q Was it in the winter or spring or summer or fall of '66 you got married? A Well, the fall I guess.

Q You are not certain about the time you did get married? A No, I never kept no record of it.

Q Where did you marry, in Fort Scott? A In Fort Scott.

Q Then you lived there how long after you were married? A I lived there till early in the spring of '68, in April.

Q You say you used to see a great deal of Wilson Towers? A Yes, sir I used to see him there.

Q What did you say about his getting drunk with you? A I said we used to drink whiskey together and get drunk together.

Q That was before you got married, wasn't it? A Well I didn't say anything about getting married.

Q I am asking you now if when you and Wilson was taking a drink that was before you got married? A Yes, before I was married I reckon.

Q Well, you didn't see much of him after you got married, did you?

A No, because I moved out in the country then, and came in once a week in town, and I saw Wils Towers every time I came in town

Q You know you met him every time you came in town? A No, sir, he worked in town, I lived in town, he was hauling.

Q Fort Scott is a great big place? A It wasn't very big then.

Q You think you saw him every time you came in town? A Yes, I think so.

Q In that fall? A In '68.

Q Living at the same place every time, was he? A Yes, living in a little shanty right on a hill in Fort Scott.

Q All the time? A Yes, sir, all the time.

Q Until you left there; well how long do you think it was, how long was it from the time you last saw him until you left Fort Scott yourself? A Well, that is about the time, in the year '68, in the early spring.

Q How long had it been since you left there since you have seen Wils Towers? A I don't know, I never kept no record of it, I never have seen him from that day until this.

Q You can't state how long it had been since you had seen Wilson Towers when you left Fort Scott? A No, I can't state it since I left Fort Scott, no I never have seen him since I left Fort Scott.

Q What I asked you, when you did leave Fort Scott, how long had it been since you had seen Wils Towers? A Oh; it wasn't very long.

Q Can you state how long? A Not more than a few days, I saw him a few days before I left Fort Scott.

Q How long did you stay in Fort Scott from the time you came there until you left? A I came there in '65 and left there in '68.

Q Where did you go when you left there? A Came to the Cherokee Nation.

Q What part of the Nation? A Right there in Coowescoowee district.

Q You remember what year it was when you came there? A In '68.

Q Well now, Mr. McKenzie, can you state of your own knowledge where Wilson Towers was during all of the fall of 1866? A I think I can, he was right there in Fort Scott.

Q You think so? A I don't think so, I know so.

Q Well why did you say you thought so? A Well, if you want me to say I thought so, I can say it.

Q Well, you saw a good deal of him during the fall of '65? A Off and on all the time I was there, when I came to town, just as I say a while ago; of course I didn't stay in town all the time.

Q Where did you say you married, Fort Scott? A Married in Fort Scott.

Q Were you ever away from Fort Scott from '65 to '68? A Didn't I say while ago I was out in the country; I came in town every week.

Q I mean away from that neighborhood? A No, sir, till I left there and came to the Cherokee Nation.

Q How far was the place you were living on from Fort Scott, during that time? A About two miles and a half, or three miles, I was just between the Marmatew and Fort Scott; if you need any other witnesses I can go there and get them and bring them down to you.

Q You can't state of your own knowledge that Wilson Towers was in Fort Scott during all of the year of 1866, can you? A Well, as I said, I know he was in there every time I came to town during '66.

Q You saw him there from time to time during '66? A Yes, he or his son one, I never heard he was gone.

Q Him or his son? A Yes, I guess he was his son, he had a boy there, called him his son.

Commissioner: This will be filed as supplemental testimony in Cherokee Freedman cases D-466, and sets of the testimony will alsi be filed in Cherokee Freedman doubtful cases D-467, D-483, and D-955.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

B. Bruce C. Jones

Sworn to and subscribed before me this the 11th of October, 1901.

Commissioner.

File with Cherokee Freedman D-483, Lucinda McKinney.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 17, 1901.

In the matter of the application of Wilson Towers et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicants:

Appearances:
Mellette & Smith, attorneys for the applicants;
L. B. Bell, of counsel for Cherokee Nation.

HARRY STILL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Harry Still.
Q Where do you live? A Lightning Creek.
Commissioner: Where is Lightning Creek? A Hayden.
Q In New York or Georgia? A Out west of here.
Q What Nation? A Cherokee Nation.
Mr. Mellette: Are you a freed an citizen of the Cherokee Nation?
A Yes, sir.
Q Do you know the applicant, Wilson Towers? A Yes, sir, I know him.
Q How long have you known him? A I have knowed Wils since '62.
Q Where did you first get acquainted with him? A Fort Scott.
Q Fort Scott what? A Kansas.
Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir.
Q When did he come back? A I don't know the exact date, but in the winter of '66 when I was on Big Creek Wils Towers was there, I didn't come with him but when I went to Big Creek in the winter of '66 Wils Towers was living right on the place he lives now.
Q Big Creek, Cherokee Nation? A Yes, sir.
Q Where has he lived since that time? A Right there.
Q On the same place? A Yes, sir, living there now.
Q What was he living in? A Living in a regular hut, he had built a small log house like people there built when they would come in.
Q He has lived at that place ever since? A Yes, sir.
Q And he is living there now? A Yes, sir.
Mr. Bell: You say you came from home up there? A Yes, sir.
Q Where is that? A On Lightning Creek.
Q How far from Lightning Creek up to Big Creek, is that it? A Yes, sir, up to Big Creek.
Q And you say he has been living right on that place ever since?
A Right there ever since.
Q How do you know? A I know he has, I never have missed six months at a time from seeing Wils from '66 till '73 continuously, I was always, I was as familiar with the people on Big Creek as I was those at home, they were my neighbors, and Wils Towers was there in the winter of '66 and has been ever since, this was up to that date I was as familiar with Wils as I was pretty near any man in the country.
Q He had a little house there? A Yes, sir, built him a little log house there.
Q Tell me right where on Big Creek that was? A Well sir, he lives right at the head of one little prong, not the main prong but the prong that Tuck Sanders lives on, Tuck lives in the forks of it and Wils lives sorter at the head of one of the prongs, well not exactly, it is hardly a branch, but Wils was pretty near at the head of one prong of Big Creek.
Q Now how far was that from Tuck Sanders? A Well sir, it was about a mile I guess, a short mile.

Q How far is that from where Jim Martin now lives? A It must be four or five miles from where Jim lives, above there.

Q You were living here at Lightning Creek all the time too were you? A Yes, sir, a good deal of the time, sometime of the time I would be down on Grand River a few days, but my home was at Lightning Creek all the time, yes, sir.

Q You never was away from there any? A Well no great length of time.

Q Well about how long was the longest you were ever away? A Well sir I never was away from there at any time over two weeks from '66 till '73, two or three weeks was the longest I ever was away from there to stay away.

Q Well from '73 up to now what was the longest time you were away from there? A I guess I was away from there as high as a year at a time.

Q Weren't you away from there as much as five years at one time?

A No, sir.

Q Nor four years? A No, sir.

Q Nor three? A No, sir; you know how long I was away.

Commissioner: This testimony will be made part of the record in the case at bar and also part of the record in Freedman D-467, D-483, and D-955.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 1st, 1901.

In the matter of the application of Lucinda McKinney for the enrollment of herselr and one child as Cherokee Freedmen; said McKinney being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Lucinda McKinney.
Q How old are you? A I don't know, sir.
Q Well, as near as you cane come? A I can't tell how old I am, I guess I am about 30 I guess somewhere.
Q About 40 or something like that? A Yes, sir; I was a small girl when the war come up.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A One child.
Q That is all is it? A Yes, sir.
Q Have you a husband? A Yes, sir.
Q Is he a State man? A No, he is a native of the Choctaw Nation.
Q Is he enrolled as a Choctaw? A Yes, sir.
Q Have you ever applied for enrollment as a Choctaw? A No, sir.
Q Have you ever applied for enrollment in any other tribe or Nation except the Cherokee? A No, sir.
Q Have you ever applied to have this child enrolled in any other tribe except the Cherokee? A No, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you out of the Cherokee Nation during the war? A Went to Kansas.
Q Give me the name of your father? A I don't know my father; they say his name was Dave May.
Q Give me the name of your mother? A Rose Towers.
Q Is Dave May alive? A No, sir.
Q How long has he been dead? A I don't know, he died after the war.
Q Is your mother alive? A No, sir.
Q How long has she been dead? A Been dead ever since after the war.
Q Died soon after the war? A Yes, sir.
Q Give me the name of this child? A James.
Q James McKinney? A McKinney ain't his father, but I guess he will go with me.
Q You give him that name, McKinney? A Yes, sir.
Q How old is the child? A 12 years old.
Q Is he living now? A Yes, sir.
Q How many times have you been married? A Twice.
Q Give me the name of your first husband? A George Meigs.
Q Is George Meigs dead? A No, sir.
Q When were you and he married? A I don't know, sir what time it was after we come back.
Q After the war? A Yes, sir, since I have been living on the Creek.
Q Well about how long since you and George Meigs married?
A I don't know sir, it was some year.
Q Have you and he parted? A Yes, sir.
Q How long did you live together? A I don't know, sir, how long.
Q Well, how long have you been parted? A We have been parted I guess about 13, about 13 or 14 years I guess.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Now, give me the name of your next husband? A Wesley McKinney.
A You say he is alive? A Yes, sir.
Q He is a Choctaw is he? A Yes, sir.
Q How long since you married him? A It has been about 11 years I guess.
Q Have you and he lived together since as husband and wife? A Yes, sir.

Q Have you lived with him all the time in the Cherokee Nation?
A No, sir, sometimes in the Cherokee Nation and sometimes in the Choctaw Nation.
Q Is there someone here knows that you are married to McKinney and have lived together? A Yes, sir.

AMANDA WARD, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A Amanda Ward.
Q How old are you? A I don't know just how old I am; I guess I am about 40 I expect.
Q Do you know the applicant here? A Yes, sir.
Q What is her name now? A Lucinda McKinney.
Q How long has she been living with her husband, McKinney?
A I guess she has been living with him about ten or twelve years, might be a little more than that, I will say ten years or longer.
Q Was she married before she married him? A Yes, sir.
Q What was the name of the other husband? A George Meigs.
Q They parted did they? A Yes, sir.
Q How long since they parted? A Oh, I guess about 14 or 15 years, I think to the best of my knowledge about that.
Q Had they parted before she married this man McKinney?
A Yes, sir.
Q Has she ever lived with anybody exce t these two men?
A Not that I know of.
Q Have you known her all her life? A No.
Q How long have you known her? A I knowed her ever since she was living with George Meigs.
Q Was she still a young woman? A Yes, sir, she was older than I was.

BY W. W. HASTINGS, Cherokee Representative:

Q Where have you lived all your life? A Myself?
Q Yes. A I have lived in the Cherokee Nation; I lived in Kansas when mother taken me there in the time of the war.
Q I mean since the war? A Here in the Cherokee Nation.
Q Well what part of the Cherokee Nation? A On Grand river; I don't know whether it was Grand river before they went out; I forget the name of the place; it was on the Lynch place, Spavinaw.
Q You didn't live up on Big Creek in your early days?
A No, sir.

LUCINDA McKINNEY, the Applicant, re-called:
BY COM'R BRECKINRIDGE:

Q This child, James McKinney, is your own child is it?
A Yes, sir.

The 1880 Authenticated Rollof Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

Q Who had charge of you when you were a child? A Harriet Ward.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

Q Did you draw Cherokee strip money? A Yes, sir; I might have been enrolled as McLaughlin.
Q Where did you get that name? A That was my owner's name.
Q Do you know any Lucinda Towers besides yourself?
A No, sir.
Q Who was it you belonged to before the war, or at the time of the war? A Towers I reckon, or McLaughlin.
Q You don't recollect who it was owned your mother? A No, sir.

The Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 142, #3528, Lucinda Towers, Cooweescoowee District.

Q How did this child draw Strip money? A Yes, sir.
Q Was his name put down as Davenport Whitmire? A Yes, sir.
Q How do you make the name of Davenport Whitmire out of James McKinney? A His father enrolled him.
Q He was James Whitmire? A That is his father.
Q The father of this child? A Yes, sir.

The Kerhm-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant's child found thereon, page 126, #3153, Davenporte Whitmire, Cooweescoowee District.

Q Now you and James Whitmire were never married? A No, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 125, #2636, Lucinda McL. Meigs. No district given.

BY MR. MELLETTE, of Firm of Mellette & Smith, Attorney for Applicants:

Q Your mother's name was what? A Rose Towers.
Q Was she a sister of Wilson Towers? A Yes, sir.
Q He was an applicant for enrollment to-day? A Yes, sir.
Q When did she die? A She died after the war.
Q Where did she die? A In Kansas, about Fort Scott.
Q Were you a slave? A Yes, I was born a slave.
Q Who was your Master or Mistress? A I don't know what he was named, Towers or McLaughlin, I was too small.
Q Where did you go during the war? A Went to Kansas.
Q Did your mother die in Kansas? A Yes, sir.
Q Who brought you back to this country? A My uncle.
Q Who is your uncle A Wilson Towers.
Q Is that the Wilson Towers who applied for enrollment this morning? A Yes, sir.
Q Where have you lived since you came back to the Cherokee Nation with Wilson Towers? A On Big Creek.
Q In what Nation? A Cooweescoowee, Cherokee Nation.
Q Have you ever lived out of the Nation since that time?
A No, sir.
Q Your mother, what relation was your mother to Wilson Towers?
A My mother was a sister.
Q What other children of your mother came back with you at the time Wilson Towers brought you here? A Brother Richard.
Q You and your brother Richard came back with Wilson Towers?
A Yes, sir.
Q Where was your brother Richard born? A I don't know, sir, down in the south.
Q South? A Yes, sir, Cherokee Nation here some place.
Q Was he born at the breaking out of the war?
A Yes, sir, he was born in the time of the war, before the war I guess.
Q He was born when you and your mother went to Kansas?
A Yes, sir.
Q Did he come back with you? A He was a baby when we went to Kansas.
Q Since you have been grown have you owned any improvements upon the public domain of the Cherokee Nation? A Yes, sir, had a place when I lived at George Meigs'.
Q Do you own any place now? A No, sir.

BY W. W. HASTINGS:

Q Where do you live now? A Sometimes I live up here on Big Creek in the Cherokee Nation and sometimes in the Choctaw Nation.
Q Where is your husband? A He is in the Choctaw Nation.
Q You are not separated from him? A No, sir, I just go backwards and forwards.
Q What is his post office? A Alderson.
Q Did you have any children by him? A No, sir.
Q How long have you been married to him? A About 12 years I guess.
Q That is his home? A Yes, sir.
Q That has been his home for the past 12 years? A Been his home I guess all his live, he said he was bred and born up there.
Q He has never lived up here? A No, sir, he has been up here.
Q Just on a visit? A Yes, sir.
Q You have got no farm in the Cherokee Nation? A No, nothing more than the farm I helped make when I was living with George.
Q You haven't got any farm since you have been living with your present husband? A No, sir.
Q How far is Alderson? A I don't know.
Q Is it on the railroad? A Yes, sir, it is on the Choctaw.
Q It runs from South McAlester up east? A Yes, sir.
Q How far from Hartshorn? A They call it 12 miles I think.
Q East or west? A It is east.
Q You have lived there with your husband for the past two years? A Yes, backwards and forwards.
Q Where did you first meet him? A Down here.
Q How long did you know him before you married? A I don't know, about six months I guess.
Q Where did you first see him ? A Down there at McAlester.
Q About how old were you when the war closed? A Well I ain't able to tell you, I never did know my age.
Q Did you remember the war going on? A No, sir, I don't remember anything about the war going on.
Q Do your emember anything about your coming back afterwards?
A I rememberwhen my uncle brought me back here.
Q Do you remember anything about your stay in Kansas after the war and before you came down here? A Yes, sir; I know I was in Kansas with mother.
Q Do you remember seeing Mr. Watt West up there after the war?
A No, sir, I don't know him.
Q Did you see Jim McLaughlin up there after the war?
A No, sir.
Q You don't remember him? A No, sir.
Q You come with Wilson Towers down here after the war? A Yes, sir.

BY COM'R BRECKINRIDGE:

Q Do you know exactly when it was your mother died? A No, sir, I don't.
Q How long after the death of your mother was it until you came back from Kansas, or do you know that? A Well, I don't know, sir, how long it was; I can't tell you.
Q Is Wilson Towers a full brother of your mother? A I dan't tell you that, just mother's brother that is all I know.
Q You never heard of his being a half brother? A No, sir.
Q Full brother as far as you know? A Yes, sir.
Q And Richard Towers is he your full brother?
A No, sir, half brother.
Q Did you and he have the same mother? A Yes, sir.

WILSON TOWERS , being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Wilson Towers.
Q How old are you? A Well, I don't know, sir, I was about 40 something when the war come up.

Q What is your post office? A Hudson.
Q You applied for enrollment before dinner didn't you?
A Yes, sir.

BY MR. MELLETTE:

Q Wilson, is the applicant, Lucinda McKinney, any relation of yours? A Yes, sir.
Q What? A She is my sister's son.
Q Sister's daughter you mean? A Yes, sir.
Q What was her name? A Jennie I think.
Q Was Lucinda a slave? A Yes, sir.
Q What was her Master's name? A When the old Mistress died she willed her and her children to Ann McLaughlin owned her.
Q Were they Cherokees? A Yes, sir.
Q Now, do you know what year the applicant, Lucinda McKinney, returned to the Cherokee Nation after the war?
A Yes, sir; I fetched her down here.
Q When? A It was in '64 or '65.
Q What? A When I come '64, I believe, or 60.
Q Now, you will have to decide it (No response.)
Q Who did you come with? A Sam Webber and old man Webber; I don't recollect what time that was; it was in '66 though.
Q And did Richard, the brother of Lucinda, come with you at that time? A Yes, sir.
Q What is his name now, Richard what, A Richard Jordan they call him.
Q Both these children came with you when you came after the war?
A Yes, sir.
Q Was his mother a slave? A Yes, sir.
Q What was her name? A Jennie Towers.
Q Jennie Towers was your sister? A Yes, sir.
Q Who owned her? A Old Mrs. Towers.
Q was she a Cherokee citizen? A Yes, sir.
Q These two children you brought back from Kansas with you?
A Yes, sir.
Q When you came with Sam Webber? A Yes, sir.

BY W. W. HASTINGS:

Q Was these childrens' mother your sister? A Yes, sir, my sister.
Q Is their mother, this woman's mother your sister?
A Yes, this here is a sister's child.
Q I saw her mother is your sister? A Yes, sir.
Q You are certain about that? (No response.)
Q I saw you are certain about that? A No, I ain't.
Q You don't know then that she was the mother of her?
A I don't understand you.
Q Well, do you know the mother of this applicant? A Yes, sir, it was my mother.
BY MR. MELLETTE: Your what? A My mother.
BY MR. HASTINGS: What relation are you to this applicant, Lycinda?
A It is my niece.
Q She is your niece? A Yes, sir.
Q Now, is she your sister's child? A Yes, sir.
Q What was her name, your sister? A Her name is named Rose.
Q Her mother is named Rose? A Yes, sir, her mother is named Rose.
Q Then she and Richard are not sister? (No response.)
Q I say Lucinda and Richard are not brother and sister? A Oh,yes.
Q You said their mother was Jennie a while ago? A I said this girl's mother.

Q You said this girl's mother was named Jennie?
A If I did I didn't tell the truth, I thinks this is Jennie's children.
BY MR. MOULTTE: You said what? A I said this girl is my mother's children.
BY MR. HASTINGS: Who is this Jennie you were talking about a while ago, as being this woman's mother; now who was her mother?
A Rose.
Q You are certain of that? A Yes, I am certain Rose was this here girl here.
Q Rose was the mother of Richard? A Yes, sir.
Q You knew that? A Yes, as well as I recollect. I got them while they were little children.
Q Are you positive as to who her mother was?
A Yes, if you will give me time to study what her name was. Yes, I can study it up now; her name was Rose.
Q Are you that forgetful about your sister? A I lost a sister, I forget.
Q When did she die? A Before the war.
Q The mother of these children did before the war then?
A I don't know when this girl's mother died.
Q Don't know when she died? A I was down in the army and she was up in Kansas and when I got there I found herm and I went and got her.
Q When were you mustered out of the service? A I wasn't any soldier; I waited on soldiers.
Q Were you in the service when they disbanded? A No, I come up in Kansas when the refugees went back to Fort Scott I went.
Q Then the war was going on when you went to Kansas?
A Yes, sir, but I stopped directly after I got to Kansas: This girl's mother is named Jennie.
Q You are positive about that now, are you? A No, Rose.
Q Did you have a sister by the name of Jennie? A I said my mother was named Jennie.
Q And your mother is named Jennie? (No response.)
Q You don't know one year from another do you? A No, sir.
Q And you don't hardly know one name from another? A Sometimes when I study a while.
Q You don't know what year this is do you? A No, sir.
Q Don't know what money? A No, sir.
Q Day of the week? A They tell me it is Saturday, I guess it is; I ain't going to tell you nothing without I know it.
Q You don't know what year the war commenced or ended do you?
A No, sir; I never was allowed to look in a book or nothing, I only knowed to plow corn.
Q Which comes first 61 or 68? A Two is the most I don't know which comes first.

SAM WEBBER, being sworn and examined by Commissioner C.R. Breckinridge, testified as follows:

Q Give your full name? A Sam Webber.
Q How old are you? A About 58.
Q What is your post office? A Nowata.
Q Well, do you know the applicant, Lucinda McKinney?
A Yes, sir.
Q Do you know whose child she was? A No, sir, I could not tell you whose child she was.
Q Do you know when she returned to the Cherokee Nation after the war? A Yes, sir.
Q When was that? A In the fall of '66.
Q Who did she come with? A She come with Wilson Towers.
Q What relation was Wilson Towers to her? A He claimed to us that she was his sister's daughter.

Q Did you know her brother Richard? A Yes, sir.
Q When did he return? A He come with them.
Q He came with them? A Yes, sir.
Q Do you know their mother? A No, sir, I don't know their mother.

BY MR. HASTINGS:

Q Sam, this woman, Lucinda, has been living up there ever since?
A I see her every once in a while; I don't know where she lives; of course, I don't live on Big Creek now, I lived at Nowata.
Q You know that she is living up there now? A I don't swear it.
Q You know that she is ~~xxx~~ married and lives in the Choctaw Nation, don't you? A I don't know a thing about the Choctaw Nation; never was there in my life.
Q Never heard her talk about it? A No, sir; never heard her say anything about it.
Q Never heard Wilson say anything about it? A No, sir.
Q When did you say you first came to the Cherokee Nation?
A Fall of '65.
Q That was when you testified that your father the other day that you came down to Fort Gibson to see Lewis Downing? A Yes, sir.
Q You claimed then that you with a crowd you came up here in this Verdi gris country and hunted in '65? A Yes, sir, until March.
Q You never said anything about that five years ago did you in these cases? A No, sir, nobody never asked me

COM'R BRECKINRIDGE:--The applicant applies for the enrollment af herself and one ~~xx~~ child: She claims to have lived in the Cherokee Nation all her life except an absence at the time of the war in Kasnsas, and that she and her mother was Cherokee slaves at the time of the breaking ~~xx~~ out of the war. The applicant is identified on the Kerns Clifton roll and Wallace roll, but not upon the roll of 1880 or upon that of 1896. She is 40 years of age. Her changes of name arising from marriage is explained in a satisfactory manner, and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card. For further evidence in this case, a set of the testimony of the Wilson Towers case, Cherokee Freedman doubtful card #466, will be filed herewith. When the final decision of the Commission is rendered in this case ~~x~~ it will be communited to the applicant at her post office address. She gives the name of her child as James McKinney/ It is acknowledged by her to be the child of a man who was never her husband, but her own natural child, and it is identified on the Kern-Clifton roll, but not on the roll of 1896. This child is said to be 12 years of age and now living. Under the con ditions stated he will possess the rights enjoyed by its mother and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card with its mother, and the final decision of the Commission will be made known to her at her post office address.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this 6th day of June, 1901.

Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Lucinda McKinney, D 483;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;
The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:
The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reiter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reiter
Notary Public.

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1904
COMMISSION TO FIVE TRIBES.

Cherokee Freedmen D 483

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JUNE 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of LUCINDA McKINNEY for the enrollment of her minor child, JAMES McKINNEY as a Cherokee freedman.

It appears that on May 9, 1904, Lucinda McKinney, Edgar Smith, attorney for applicant, and the attorney for the Cherokee Nation were notified by letter that an opportunity would be given each of them to appear before the Commission on June 15, 1904, and introduce further testimony in the matter of the application for the enrollment of James McKinney as a Cherokee freedman.

APPEARANCES:
Applicant by his mother, Lucinda McKinney.
Cherokee Nation by its attorneys, W. W. Hastings and James S. Davenport.

LUCINDA McKINNEY, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Lucinda McKinney.
Q How old are you? A I don't know, sir.
Q About how old are you? A I just aint got no thought how old I am. I don't know. I never got my age; my mother died when I was small, and I don't know my age at all.
Q You said in your testimony of June 1, 1901, that you were somewhere about 40? A That is what Mr. Needles ask, and I told him I didn't know.
Q You are about 43 now, do you suppose? A Yes, sir, I guess so.
Q What is your present postoffice address? A Buck; I get mail at Buck, Choctaw Nation.
Q You are not living near Centralia now? A No, sir.
Q And any further notices sent you by the Commission you would like addressed to Buck? A Yes, sir.
Q You made application for the enrollment of a child, James McKinney, is that child still living? A Yes sir.
Q With you? A Yes, sir.
Q What is the name of its father? A James Whitmire.
Q Is he living? A No, sir.
Q When did he die? A He's been dead I guess near about three years now, two years, about three years, I guess.
Q Was he a Cherokee freedman? A Yes, sir.
Q Did he make application to this Commission for enrollment before his death? A Yes, sir.
Q Did he apply for anyone besides himself, or alone? A Just himself and the boy Jim.
Q Where did he appear before the Commission, if you know? A At Chelsea.
Q Do you know whether or not his name was on the 1880 roll?
A I don't know for certain, I think it is.
Q How old was he when he died? A I don't know.
Q Was he older than you? A I don't think he was, near about the same age.
Q What was the name of his father? A Mose Whitmire.

Q What was the name of his mother? A I don't know, sir, what his mother was named.
Q Did you husband ever go by any name other than James Whitmire?
A Not as I know of.

The Commission's records examined and fail to disclose that application has ever been made for the enrollment of James Whitmire, the father of the child James McKinney.

Q You don't remember, you say, whether or not James Whitmire appeared before the Dawes Commission or whether it was the Kerns-Clifton Commission? A No, sir.
Q But he died how long ago? A I think it was along in March, in March, either, I don't know whether it was in March, it was along in the summer like, and it has been about two or three years ago, about two years ago.
Q When was he living when he died? A On Lightning Creek.
Q Did he die after you appeared before the Dawes Commission for your enrollment? A Yes, sir.
Q You are sure of that? A Yes, sir he died after I was enrolled.
Q Where were they enrolling, under a tent? A Yes, sir, I think so.
Q You don't know that he ever went by any other name besides James Whitmire? A No, sir, I don't think so.
Q Could you get any witnesses to prove that he was a Cherokee freedman? A No, sir, nobody here knows me or him.
Q Is there nobody in your neighborhood that could? A Yes, sir, his father lives there, and all his kin folks.
Q His father's name is Mose Whitmire? A Yes, sir.
Q Can you give the names of some of Mose's family, some of his children? A No, he aint got any more children as I know of, but this Jim and Lewis Whitmire and all them is relation, but he aint got no other children.
Q What is the name of Mose Whitmire's wife? A His wife is who---- her name was Katy.
Q Who are Edward and Sequoyah Whitmire, do you know? A They aint-- I don't know them, but they are all the same set, some of the younger ones.
Q Was James Whitmire the ~~xxxx~~ slave of a Cherokee citizen before the war? A Yes, sir, that's what they say.
Q You don't know anything about that? A No, sir, I suppose he must have been by them enrolling him as a Cherokee freedman, of course I don't know it.

By Mr. Hastings:
Q When were you first married? A George Meigs.
Q When? A I can't tell you.
Q Just after the war? A No, sir, I don't know that, but not when the war come up. I was nothing but a child then.
Q About how many years after the war? A I can't tell you.
Q Ten years? A I can't tell you; we come back in the Cherokee Nation and I heard the old folks tell that it was '66, and---
Q Don't tell me about '66 ? A I am telling you the best I can.
Q When did you and George Meigs marry? Give me something besides '66. A I don't know.
Q Do you know this year? A I tell you----I don't know--
Q About how many years after the war did you marry? A I don't know.
Q It was after the war? A Yes, sir.
Q Do you think it was 20 years after the war? A I told you I was nothing but a child when the war ceased.

Q Did you and George marry before this child was born? A Of course
Q Did you separate? A Of course.
Q Were you ever divorced? A We never had no license and were never divorced.
Q Were you afterwards married? A Yes, sir.
Q What was your husband's name then? A Wesley McKinney.
Q Well, was this child born after you and Wesley McKinney were married? A No, sir, before we were married.
Q Born while you were the wife of George Meigs? A No, sir we were parted.
Q Were you divorced? A Couldn't get no divorce; never had no license.
Q Therewasn't any way for you to get license? A No, sir.
Q You had a preacher to marry you? A Yes, sir.
Q And were never divorced? A No, sir.
Q George Meigs was alive when this child was born? A Yes, sir.
Q He was alive when you married your second husband, Wesley McKinney? A Yes, sir.

By the Commission:
Q Do you know anything about who is the or was the owner of this Mose Whitmire, the father of your husband? A No, sir, I don't know nothing about him.
Q Do you know anything about how old a man he is? A No, sir.
Q Do you know his postoffice address? A Hayden.
Q Is he a very old man? A Yes, sir, he a tolerably old man, bound to be, got grandchildren, but I can't tell you how old he is, he was married before the war.
Q Do you know where James Whitmire was living in 1880? A No, sir.
Q Who was he living with then? A I don't know.
Q You didn't know him at that time? A No, sir.

An examination of the Commission's records shows that one Moses Whitmire, Sr., whose postoffice address is Hayden, Indian Territory, and whose age is 70 years, is listed for enrollment on Cherokee Freedmen card No. 972, and appears on the final roll of Cherokee freedmen approved by the Secretary of the Interior, opposite No. 23061. His name is also identified on the 1880 authenticated Cherokee roll, Cooweescoowee District, opposite No. 3206.

By Mr. Hastings:
Comes now the representatives of the Cherokee Nation and moves to strike out the record hereinabove directed to be inserted by the Commission, for the reason that the same is irrelevant, incompetent and immaterial, because it is claimed by the mother of the applicant that one James Whitmire was the father of her illegitimate son, and that this said James Whitmire was, himself, a slave of a Cherokee citizen, and, therefore, he, himself, must have returned and acquired rights as a freedman citizen of the Cherokee Nation under the 9th article of the treaty of 1866, and the rights of the applicant, therefore, do not depend upon the said Moses Whitmire, but upon the return of the said James Whitmire as is shown by the opinion of the Assistant Attorney General for the Interior Department, in answer to a letter addressed to him by the attorneys for the Cherokee Nation; and that the record hereinabove directed to be inserted only tends to prejudice the case as against the Cherokee Nation, when in fact it is irrelevant and immaterial and ought not to be inserted.

Second. The testimony of this witness, the mother of this applicant, shows that she was married to one George Meigs from

whom she was never divorced, and that she was subsequently married to one Wesley McKinney, and that subsequent to her first marriage to George Meigs this illegitimate child was born, and therefore, it could not depend, even upon James Whitmire if it were shown that he was entitled to have been enrolled as a citizen of the Cherokee Nation, because this child is presumed to be the child of her lawful husband, George Meigs, until they were legally separated by law, and therefore no testimony as to the time of the return of James Whitmire would be in this case, let alone the testimony of the enrollment of one Moses Whitmire directed to be inserted in the record.

By the Commission:
The 1880 authenticated roll of the Cherokee Nation examined and the name of James Whitmire is not identified thereon.

Q Were you married to James Whitmire at all? A No, sir.
Q Who was your last husband before the birth of this child? A George Meigs was my first husband and I and him parted.
Q And how long after your separation was this child born? A About two years.
Q You had not lived with him at all for two years prior to the birth of the child? A No, sir.
Q You had not been divorced? A No, sir, don't know anything about no divorce; there wasn't no divorcing at that time.
Q Can you get any witness to testify as to the citizenship of this child? A I don't know nobody here.

SAM WEBBER, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Sam Webber.
Q How old are you? A About 60, right at it; I don't know exactly.
Q What is your postoffice address? A Nowata, I. T.
Q You live in Cooweescoowee District? A Yes, sir.
Q You are a Cherokee freedman? A Yes, sir.
Q On the 1880 roll? A Yes, sir.
Q Do you know Lucinda McKinney? A Yes, sir.
Q Do you know her child, James McKinney? Do you know that she has a child named James McKinney? A Yes, sir.
Q About how old is that child? A Couldn't tell you exactly the age.
Q Do you know one James Whitmire, the son of Mose Whitmire? A I know Jim Cline is what we call him.
Q Who was his father? A They claim Mose Whitmire was his father.
Q Did you ever hear anything about this woman living with that Jim Cline? A If she did I don't know it.
Q Do you know whether or not Jim Cline was a Cherokee freedman? A I never got acquainted with him until since the war, and I don't know.
Q Is he living? A He is dead.
Q When did he die? A Two or three years ago.
Q Do you know whether or not he appeared before the Commission and made application for enrollment? A No, sir, I don't know.
Q Was he sometimes known as James Whitmire? A When he came to his father there, he claimed him to be his son.
Q Was he ever known by any name other than Cline and Whitmire? A That is all I know.

The Commission's records examined and fail to disclose that application has ever been made to the Commission for the enrollment of James Cline as a Cherokee freedman.

Q You don't know, then, anything about the citizenship of this Jim Cline? A No, sir.

By Mr. Hastings: ----------

BETSY WHITMIRE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Betsy Wright, Betsy Whitmire.
Q Which do you go by? A Whitmire.
Q You are enrolled under the name of Whitmire? A My husband is Whitmire.
Q How old are you? A About 59, I guess.
Q What is your postoffice address? A Hayden.
Q Do you claim to be a Cherokee freedman? A Yes, sir.
Q Do you know Lucinda McKinney? A Lucinda Meigs it used to be.
Q She was once the wife of George Meigs? A Yes, I know her.
Q Do you know a child of hers by the name of James McKinney? A Yes sir, she has got a child.
Q How old is that child? A About 13 or 14 now, I guess.
Q Do you know anything about who was the father of that child? A Yes, sir, Jim Cline, Jim Whitmire, Mose Whitmire's son, always been said he was the father.
Q It has always been generally rumored that he was the father in the neighborhood? A Yes, sir.
Q Did you know Jim Whitmire, or Cline? A Yes, sir.
Q How long has he been dead? A Two or three years, I guess.
Q About how old was he when he died? A I couldn't tell you. He was a good settled man; must have been about forty years old.
Q Do you know whether or not he was a Cherokee freedman? A Yes, sir, he was.
Q Was he a slave of a Cherokee citizen before the war? A Yes, sir.
Q Who did he belong to? A Tom Cline.
Q Did he go out of the Cherokee Nation during the war ? A Yes, sir he went out somewhere, but I don't know where; he went; he has been here ever since peace was made.
Q Do you know when he returned to the Cherokee Nation after the war? A I don't know; he has been here ever since peace was made, but I don't know just when he got back.
Q Do you know where he lived in 1880? A Up about Lightning Creek.
Q Was he married at that time? A Don't know; don't remember just what time---
Q Do you know whether or not he was ever enrolled on any of the tribal rolls of the Cherokee Nation as a Cherokee freedman? A Yes, sir, I guess he is on the rolls; you ought to know; you see the rolls.
Q Did he always live in Cooweescoowee District so far as you know ? A Yes, sir, I guess his name shows on the rolls.
Q He just went by the two names, Whitmire and Cline? A Yes, sir. He belonged to Cline and his father was old man Mose Whitmire.
Q Mose Whitmire lived----- A Right there close to home, my husband's brother.
Q Was this Lucinda McKinney married to anyone at the time this child James was born? A She had been married to George Meigs; they had been parted a good while.
Q Was she living with Meigs at the time this child was born?
A No, sir.
Q How long had they been parted? A I couldn't tell you about that; I don't know.
Q You don't know anything about that? A No, sir, but she wasn't living with him.

Q Was she living with any man at that time? A I don't know, but Jim Cline.
Q Was she living with him? A Yes, sir.
Q How long had she been living with him? A About a year, I guess, she lived with Whitmire as near as I can tell you.
Q Do you know whether or not she was legally married to George Meigs? A No, sir I don't.
Q Do you know whether or not there was any marriage ceremony between herself and Jim Whitmire? A No, sir; all I know is she had the child and they said it was Jim Whitmire's; I never seen them married.
Q How long did she continue to live with Whitmire after the birth of the child? A I can't tell you; I never paid attention enough to know.

By Mr. Hastings:
Q Did she live in a separate house with Jim Cline or Jim Whitmire? A They had a house.
Q Did they keep house together? A Yes.
Q Where? On Big Creek, Vinita, and around, but they was together.
Q Now, lets just not scatter around like that, you tell me one place they lived together as husband and wife? A They was living about Vinita.
Q In a house? A Yes, sir, somewhere.
Q Were you ever at their house? A No, sir, but I know they were there.
Q How do you know? A I was there in town.
Q Did you ever go to their house at any place they were living together? A No, sir, but I have seen them together.
Q That's just what you heard about it? A At Jim Cline's, and he said it was his child.
Q I am asking you about their living together? A They lived together, I suppose.
Q I want to know if you know it, inew them? A I never went to the house.
Q Then you don't know it, do you? A They said they were keeping house there in Vinita.
Q When was that? A I don't know.
Q Two years ago? A Been longer than that, the child is 14 years old.
Q 20 years ago? A No, sir.
Q About how long ago? A 15 or 16 years ago; somewhere along there.
Q But you never were at their house? A No, sir.
Q Who did you belong to before the war? A Nick Sanders.
Q Aint you on the Chickasaw roll? A No, sir.
Q Choctaw roll? A No, sir, I aint got no business on the Choctaw roll.
Q Are you Lewis Wright's wife? A Yes, sir, I was born and raised in Tahlequah.
Q But you and Lewis Wright were not married until '67 or '68, were you? A No, sir, not until after peace was made.
Q You were never up to Cooweescoowee District until after you married? A I went backwards and forwards. My mother lived up there.
Q Don't scatter around so, answer the question? A I went to Tahlequah in '66.
Q Answer me, where were you living when the war came up? A Tahlequah.
Q And living there when the war closed? A When peace was made.
Q You didn't go to Cooweescoowee until you and Lewis were married? A Went there before.

Q You claim you went there before you were married? A Yes, I went up there in '66. I had property up there. My sister lived there. I married Lewis in '68.
Q You never went up there until you married did you? A Yes.
Q Where did you marry? A At Tahlequah.
Q Were you living with you mother then? A Yes, sir.
Q How old are you? A I am 59; I was about 25 years old, I reckon; I don't know exactly.
Q How did you ever go from Tahlequah up there, with whom, before you and Lewis were married? A There was Dick Whitmire living there on Barron Fork, and he went back and forth.
Q I mean after the war, how did you go over from Tahlequah after the war and before you and Lewis married? A I went in a wagon.
Q Tell me one fellow you went with? A Dick Whitmire, he went up there to see his people, and I had people there, too; my sister lived there.
Q What was her name? A Eliza.
Q Major Wright's wife ? A Lewis Wright and my sister's------
Q Don't you know Nelson Wright never went back there until '75?
A He was there in '66; he died in '71.
Q Do you know he never come back until '71? A I didn't know any such a thing.
Q What year is this? A 1904, aint it?
Q I am asking you? A Well, I suppose that is what it is.
Q Where was Dick Whitmire living when you went up there with him?
A On Barron Fork,at Tahlequah
Q That was after the war? A Yes, sir.
Q Was Dick married? A No, sir.
Q He had a wagon then, did he? A Yes, sir.
Q He took you with him, anybody else go along? A No. Me and Dick went up there.
Q Where did you go to? A My sister's and aunt's.
Q What was your aunt's name? A Polly Sanders, Tuck Sanders' mother.
Q Where was she living? A On Big Creek.
Q Tuck was there? A Yes, sir, and Reuben.
Q Reuben was there? A Yes, sir.
Q All the families had moved down there? A Yes, sir, all living there.
Q They had houses there? A Some had houses and some tents.
Q On Big Creek? A Yes, sir.
Q They made a crop the year before this? A They had not made no crops that spring; they were built that fall and winter and the next spring they made a crop.
Q But this Reuben Sanders and Tuck Sanders was there? A Yes, sir.
Q Who else? A Peter Meigs, Dave Mayes, and I can't tell you who all.
Q Phyllis Whitmire was there? A Yes, sir.
Q Lots of families there then? A Yes, sir, I don't remember all of them.
Q All that country was settled up then? A Why, there was colored people there then, yes, sir.
Q Women and children were there? A Yes, sir.

Mr. Hastings: For the purpose of showing the time of the the return of these people, the Cherokee Nation that the judgment of the Commission in Cherokee F D case No. D 434, Daniel Whitmire, adjudicating the time of the return of the parties testified of by the witness be made a part of the record in this case.

Commission: The request of the Cherokee Nation will be granted and a copy of the decision referred to will be filed with and made a part of the record in this case, marked "Exhibit A."

Q You say Jim Whitmire didn't live on Big Creek? A No, sir, he lived on Lightning Creek. He was at Fort Gibson, and about in the Nation. You will have to get some one to tell when he come, I don't know.
Q You didn't know when he come? A No, sir.
Q You are not prepared to testify about that, are you? A No, sir.

By the Commission:
Q When did you first get acquainted with this Jim Cline or Whitmire?
A It has been a long time, thirty years, I reckon, or thirty-five.
Q Where was he living at that time? A About Gibson, and then he come on up to Vinita a long time.
Q Was he ever married to your knowledge? A I don't know nothing about him being married. I never seen him married, I can't tell.
Q How long did he live in Cooweescoowee District? A I don't know how long.
Q He has got a wife now? A I know he married about 10 or 12 years ago; not that long, about seven.
Q What is her name? A Sarah Rogers, it used to be.
Q Is she a Cherokee freedman? A Yes, sir, they said they was; they said they was married, I guess they was; I don't know.
Q He first began living with her some 10 or 12 years ago? A About 10 years ago, I guess.
Q Where did they live until Jim died? A On Lightning Creek.
Q In Cooweescoowee? A Yes, sir.
Q Did they have any children? A No, sir.

COLUMBUS McNair, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Columbus McNair.
Q How old are you? A 55 years old.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know Lucinda McKinney? A Yes, sir.
Q Do you know her child? A No, sir, don't know anything about it.
Q Do you know she has a child? A Yes, sir.
Q Did you ever hear anything about as to who is the father of that child? A No, sir.
Q You don't know anything about that? A No, sir.
Q Did you ever know one James Whitmire or Cline? A Yes, sir.
Q Who was his father? A Mose Whitmire was supposed to be.
Q You don't know, except hearsay? A That is all.
Q Is James Whitmire or Cline living now? A No, sir, he is dead.
Q How long has he been dead? A Can't remember the number of years.
Q About how old was he when he died? A About 50, I guess.
Q Was he the slave of a Cherokee citizen before the war? A No, sir, I can't swear that.
Q How long did you know him before his death? A I knew him when he lived at Fort Gibson.
Q When was that? A About '67, when I first got acquainted with him.
Q What time in '67? A Along in the winter.
Q First time you ever saw him? A Yes, sir.
Q You don't know whether he belonged to a Cherokee citizen before the war? A No, sir, I don't.
Q Was he living at Fort Gibson? A He was staying there.

Q Do you know whether or not he claimed to be a Cherokee freedman? A He claimed it, yes, sir.
Q How long did you know him at Fort Gibson? A I knowed him there; I lived there nine years, and he was in and out; he wasn't there all the time.
Q So far as you know did he always live in the Cherokee Nation from the time you first know him at Fort Gibson until the time of his death? A Yes, sir.
Q You don't know anything about whether he was a Cherokee freedman? A No, sir, I don't.
Q Did he always go by the name of Cline, or Whitmire? A Part of the time one and part of the time the other.
Q Do you know whether or not he had any family? A No, sir, not to my knowing.

By Mr. Hastings:
Q Did you live in Vinita 12 or 14 years ago? A Yes, sir.
Q Did this man ever live with Lucinda McKinney up there? A He lived right across the street from me.
Q Did he live with her as his wife? A She was there in the house; I don't know whether they lived together as husband and wife.
Q Who else was in the house? A Nobody, just them.
Q You don't know when this fellow come back? A I never did remember seeing him except in '67, and then not until after 1880.
Q 1880 was the second time you ever saw him in the Cherokee Nation? A Yes, sir, it was after '80.
Q Wasn't it after 1880 the first time you ever saw him in the Cherokee Nation? A No, sir, I saw him in Fort Gibson in '67.
Q In the fall? A Yes, sir, I saw him there in '67, and in '80 I was in Wagoner working for Mr. Cambell, and I used to go very often up on Lightning Creek and see him at his father's.
Q But you never saw him for 13 years? A No, sir.

By the Commission:
Q Do you know anything about whether Lucinda McKinney was ever married before she lived with this Jim Cline or Whitmire? A She lived with George Meigs, but I don't know whether they were married.
Q Did you know Lucinda McKinney at the time of the birth of this child, James McKinney? A Yes, sir.
Q Who was she living with at the time of that child's birth and w[illegible] A She left there.
Q Left where? A Left Vinita before the child's birth, because she lived across the street in front of me.
Q Was she living with anyone at the time? A She was living with Jim Cline.
Q How long had she been living with him? A I don't know.
Q How long since she had lived with any other man? A I don't know; I am not able to tell you how long.
Q Do you know how long since she lived with George Meigs? A No, I never kept account of that.

Q By Mr. Hastings:
Q Didn't you tell me out there in the hall that you never saw this man in the Cherokee Nation at all until after 1880? A I told you that I never saw him on Lightning Creek at all until after 1880.
Q You told me ~~xxxxx~~ out there a while ago that you never saw him in the Cherokee Nation until after 1880, didn't you? A No, sir, I said I never saw him on Lightning Creek until after 1880.
Q Didn't you volunteer the statement to me----? A No, sir, I says-------
Q You just wait. Didn't you just come and voluteer the statement and take me down the hall there and volunteer the statement to me that you knew he never come back until after it was away too late

and that you never saw him until after 1880? A I says to Mr. Hastings, "Yes, I remember seeing Jim Cline up there after 1880." That's right. Come down to a fine point, you remember what I said, don't you, don't try to work a man that way.

LUCINDA McKINNEY, being recalled, testified as follows:

By the Commission:
Q Did James Cline, or Whitmire, ever have any other wife, or live with any other woman so far as you know, except yourself? A None as I know of.
Q He had no other family? Or any other woman? A Not as I know of.
Q You testified that you knew of no name, except Whitmire, that he went by? A Yes, sir.
Q Some of the witnesses have said that he was known by the name of Cline, is that correct? A That's what they say.
Q You don't know anything about that? A No, sir, he was named Whitmire when I first got acquainted with him.
Q Where did you first get acquainted with him? A In Vinita.
Q How long ago? A Don't know; I have been away from there now about 12 or 13 years.
Q Do you know anything about his mother? A No, sir.
Q You don't know whether she was a Cherokee freedman or not? A No, sir.

0-0-0-0-0-0-0-0

H. L. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

H L Vance

Subscribed and sworn to before me this the 20th day of June, 1904.

Charles N. Sawyer
Notary Public.

and that you never saw him until after 1880? A I says to Mr. Hastings, "Yes, I remember seeing Jim Cline up there after 1880." That's right. Come down to a fine point, you remember what I said, don't you, don't try to work a man that way.

LUCINDA McKINNEY, being recalled, testified as follows:

By the Commission:
Q Did James Cline, or Whitmire, ever have any other wife, or live with any other woman so far as you know, except yourself? A None as I know of.
Q He had no other family? Or any other woman? A Not as I know of.
Q You testified that you knew of no name, except Whitmire, that he went by? A Yes, sir.
Q Some of the witnesses have said that he was known by the name of Cline, is that correct? A That's what they say.
Q You don't know anything about that? A No, sir, he was named Whitmire when I first got acquainted with him.
Q Where did you first get acquainted with him? A In Vinita.
Q How long ago? A Don't know; I have been away from there now about 12 or 13 years.
Q Do you know anything about his mother? A No, sir.
Q You don't know whether she was a Cherokee freedman or not? A No, sir.

0-0-0-0-0-0-0-0

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H L Vance

Subscribed and sworn to before me this the 20th day of June, 1904.

Charles N. Sawyer
Notary Public.

FILED
JUN 29 1904
COMMISSION TO FIVE TRIBES.

"Exhibit A."

COPY. Cherokee Freedmen D434.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FPT
CR

In the matter of the application of Daniel Whitmire for enrollment as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on May 29, 1901, Daniel Whitmire appeared before the Commission at Chelsea, Indian Territory, and made personal application for enrollment, among others, of himself as a Cherokee Freedman. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 4, and May 26, 1902.

The evidence shows that the applicant, Daniel Whitmire, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation, afterward returning thereto with Peter Meigs and Sam Webber and their families and claims that said return was in the fall of 1866; but the Commis- [illegible] found, in the case of Elizabeth Meigs, Cherokee Freedmen D [illegible], that, though Peter Meigs, together with Sam Webber and others, returned to said Nation prior to January 19, 1867, they did not bring their families with them until a subsequent trip made in February or March of 1867. Hence, it appears that the said Daniel Whitmire, who came with said families, did not return to the Cherokee Nation within six months after July 19, 1866, and his name is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Daniel Whitmire, as a Cherokee Freedman, should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby, Chairman.

" T. B. Needles, Commissioner.

" C. R. Breckinridge, Commissioner.

" W. E. Stanley, Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 1-1903

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the applications for the enrollment of Cy Martin et al., as Cherokee Freedmen, consolidating the applications of

Cy Martin,	Cherokee Freedmen D 483,
James McKinney,	Cherokee Freedmen D 483,
Edna Martin,	Cherokee Freedmen D 891.

-:-

D E C I S I O N .

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Wilson Towers for Cy (Si) Martin; by Lucinda McKinney for James McKinney; and by Catherine Ward for Edna Martin. The record further shows that on July 1, 1903, this Commission rendered its decision herein, denying, among others, the right of the applicants, Cy Martin and James McKinney, to enrollment as Cherokee freedmen, and that said decision was duly affirmed by the Department except as to the two last above named applicants. Thereafter, on April 25, 1904, (Departmental letter I.T.D. 2304-04), said case was remanded for further investigation as to the rights of Cy Martin and James McKinney to enrollment as Cherokee freedmen, and supplemental proceedings in the matter of said applications were had at Muskogee, Indian Territory, June 15, and July 29, 1904. The decision in the case of Daniel Whitmire, Cherokee Freedmen D 434, is filed herewith and made a part of the record in this case.

The evidence in this case shows that the applicants, Cy Martin and Edna Martin, were born since 1880, and are children of Joe Martin and Laura Martin; that the applicant, James McKinney was born since 1880, and is the illegitimate child of Lucinda McKinney and James Whitmire, or Cline; and that none of the applicants herein possess any rights to enrollment through their said mothers.

After ample opportunity having been afforded, it is not established that said applicants herein possess any rights to enrollment as Cherokee Freedmen. Neither the said Joe Martin nor James Whitmire, or Cline, can be identified on the Cherokee authenticated tribal roll of 1880.

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Eliza Bryant et al., (I.T.D. 3642-04), Ed Williams (I.T.D. 4230-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al., (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04) and Martha Albert et al., (I.T.D. 4732-04), the applications for the enrollment of Cy Martin, James McKinney and Edna Martin, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.

Chairman

(SIGNED). T. L. Needles.

Commissioner

(SIGNED). C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,

this MAY 1? 1905

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Wilson Towers, et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Wilson Towers, et al.,.....	Cherokee	Freedmen	D 466
Cy Martin,.....	"	"	D 467
Lucinda McKinney, et al.,.....	"	"	D 483

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by Wilson Towers for himself and his wife, Annie Towers; by Wilson Towers for Cy Martin; and by Lucinda McKinney for herself and her minor child, James McKinney.

The evidence shows that Wilson Towers and his wife, Annie Towers, were slaves in the Cherokee Nation at the commencement of the rebellion, belonging to one, Ellis Towers; that they left said Nation during the rebellion and did not return thereto until 1868.

The said Cy Martin was about eleven years old at the date of this application. It is not shown by the evidence that either of his parents were slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the commencement of the rebellion, nor does it appear that their names, or the names of any of the applicants herein are found on the 1880 authenticated Cherokee roll.

The evidence further shows that Lucinda McKinney was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of said Nation during the rebellion and

returned thereto with the said Wilson Towers in 1868. Her minor child, James, was born since 1866 and has no rights as a Cherokee Freedman, except such as he may have acquired through his mother.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Wilson Towers, Annie Towers, Cy Martin, Lucinda McKinney and James McKinney as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

W. E. Stanley.
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 1 - 190

No. D.....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 1901

Given under my hand this

day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } s. s.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A.D.1901

Subscribed and sworn to before me this day of A.D.1901.

Notary Public.

NOTICE!

IN THE MATTER OF the application of Lucindy McKimey for enrollment as a Cherokee citizen:

Case No. D 483

To Lucindy McKimey or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of [illegible] Indian Territory, on Oct. 1st [illegible] or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible] 6

W. W. Hastings

Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Lucinda McKinney,
Centralia, I.T.
Cherokee F-D-483
Register.

MISSION TO THE FIN
FILED
1901

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date June 1, '96

Post Office Bartlesville I.T.

District Cooweescoowee

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1 f. Name of wife Lucinda McKinney Age 40

Owner's name Andy McLaughlin Citizenship Cherokee

Year 1896 Page 142 No. 3528 District Coo

Parents:

Father Isaac Grayson - dead Citizenship .....

Mother Rose Fowler - dead Citizenship .....

Names of Children:

2 f. James McKinney Year 1896 Page 126 No. 353 Dist. Coo

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. Father #2 William McKinney - living - Cherokee

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by [illegible] Stenographer [illegible]

Doubtful

On B.C. roll as Lucinda Fowler
2 " " Davenport Whitmire
1 " Wallace " Page 125 #2636 - Lucinda McK.
Meigs.

XRef D 466

Mellette and Smith, Attys. for applicant

COMMISSIONERS:
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, June 8th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony in the matter of the application of Lucinda McKinney et al for enrollment as Freedmen of the Cherokee Nation.

W. M. Mullette

Attorneys for Applicants.

Cherokee F. #D483.

Cherokee F.D-466-7

Muskogee, Indian Territory, July 11, 1903.

Wilson Towers,

Centralia, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, your application for the enrollment of yourself, your wife, Annie Towers, and for the enrollment of Cy Martin as Cherokee freedmen. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Register.

Commissioner in Charge.

Enc. D-78

COPY

Cherokee F.D-466-
7-83

Muskogee, Indian Territory, July 11, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Wilson Towers et al., rejecting the applications for the enrollment of Wilson and Annie Towers, Cy Martin and Lucinda and James McKinney, as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

[illegible]

Commissioner in Charge.

Enc. D-80

Cherokee F.D-466-
7-483

Muskogee, Indian Territory, July 11, 1903.

Edgar Smith,

Attorney for Wilson Towers et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Wilson Towers et al., rejecting the applications for the enrollment of Wilson and Annie Towers, Cy Martin and Lucinda and James McKinney, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Enc. D-79

Register.

COPY.

Cherokee F.D-466-
7-83.

Muskogee, Indian Territory, July 11, 1903.

The Honorable
the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Wilson Towers et al., together with a copy of the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Wilson and Annie Towers, Cy Martin and Lucinda and James McKinney, as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

Enc. D-81

COPY

Land 44285-1904.

Department of the Interior,
Office of Indian Affairs,
Washington, March 15, 1904.

The Honorable
The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated July 11, 1903, transmitting the record relative to the application of Wilson Towers, et al., for enrollment as Cherokee freedmen.

Wilson Towers applied for the enrollment of himself and his wife, Anna Towers, and also for the enrollment of Cy Martin. Lucinda McKinney applied for the enrollment of herself and her child, James McKinney.

July 1, 1903, the Commission decided that these applicants were not under existing law entitled to enrollment as Cherokee freedmen. The evidence shows that Wilson Towers and his wife, Anna Towers, were the slaves of Ellis Towers a Cherokee citizen, at the commencement of the rebellion. From the testimony it appears that Wilson Towers left the Cherokee Nation about the close of the war, and that he returned during the year 1866. Harry Still, however, testified that in 1862 he knew Wilson Towers, who at that time lived at Fort Scott, Kansas, but that said Towers returned to the Cherokee Nation in the winter of 1866. The principal applicant testified that he returned in 1866 to the place where he now lives, and that he has since owned and had possession of the farm. Sam Weber testi-

fied that the principal applicant returned in 1866, as did also Lewis Wright. Walter A. West did not remember having seen Wilson Towers in the Cherokee Nation until in September 1867. Simon McKenzie testified that he lived at Fort Scott in 1865-67; that he was acquainted with Wilson Towers, who resided there during that time; and that the affiant left Fort Scott, Kansas, early in April, 1868.

Louisa McKinney is the daughter of Rose Towers. She does not know positively her father's name, but understands that Dave Cy was her father. This applicant was born in the Cherokee Nation. During the war she went to Kansas. She testified that James McIntire was the father of her minor child, James McKinney. She does not know positively whether her owner was named Towers or McLaughlin. She is a niece of Wilson Towers. Wilson Towers says that Rose Towers and her children were willed when their mistress died to Ann McLaughlin, and that they returned to the Cherokee Nation in 1864 or 1865.

The Commission states in its decision that the names of none of the applicants appear on the 1880 roll, but in the record it is stated that the 1880 roll (authenticated) of Cherokee freedmen was examined, and that "the parents of Sy Martin not clearly identified therefrom," indicating that possibly the names of the parents of Cy Martin appear on that roll.

In view of this fact and considering that the record does not absolutely show whether the principal applicants returned to the Cherokee Nation within the time limit fixed by the treaty of 1866,

it is respectfully recommended that the record be returned to the Commission with directio to advise the Department whether the names of the parents of Cy Martin are found on the 1880 roll, and with further instructions to determine if possible whether the principal applicants returned to the Cherokee Nation within the time limit fixed by the treaty referred to.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

G.A.W.-W.C.

D.C.13871-1904. JP FHE LRS.

DEPARTMENT OF THE INTERIOR,

ITD 2304-1904. WASHINGTON. April 25, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 19, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of Wilson Towers (E.D. 466, 467, 483), for the enrollment of himself and his wife, Anna Towers, and for the enrollment of Cy Martin, a minor, and of Lucinda McKinney for the enrollment of herself and child, James McKinney, all as Cherokee freedmen.

On July 1, 1903, you rendered your decision rejecting the application.

The Acting Commissioner recommends, in view of the statement in the record that the 1880 Cherokee roll had been examined, and that "the parents of Cy Martin not clearly identified thereon", and as the record does not "absolutely show" whether the principal applicants returned to the Cherokee Nation within the time limit fixed by the treaty of 1866, that the case be remanded to you with directions to advise the Department whether the name of the parents of Cy Martin are found on the 1880 roll, and with further directions to determine if possible whether the principal applicants returned

to the Cherokee Nation within the time limit fixed by the treaty.

The Department considers further investigation should be had as suggested by the Acting Commissioner, as to Cy Martin, also as to James McKinney, to ascertain if he is entitled to enrollment by virtue of any rights through his father, James Whitmire. As it appears from the testimony, as stated in your decision, that Wilson Towers, Anna Towers and Lucinda McKinney did not return from Kansas to the Cherokee Nation until 1868, your decision is affirmed as to these applicants.

A copy of the Acting Commissioner's letter is inclosed, together with the testimony and papers attached thereto.

Respectfully,

Thos Ryan

Acting Secretary.

2 inclosures.

D.C.-13484-1904 Copy

DEPARTMENT OF THE INTERIOR WHE

I.T.D. 2294-1904. Washington, April 26, 1904.

LRS.
Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 1, 1903, you rejected the application of Daniel Whitmire for enrollment as a Cherokee Freedman. You stated that the applicant claimed to have returned to the Nation in 1866, with Peter Meggs and Samuel Weber, but that you had found, in the case of Elizabeth Meggs (Cherokee Freedman D-391), that though Peter Meggs, together with Sam Weber and others returned to the Nation prior to January 19, 1867, they did not bring their families with them until a subsequent trip made in February or March, 1867.

As you have been advised that you are in error as to the period of six months provided in the treaty of 1866; that the six months period did not expire until February 11, 1867, and as the Department has been verbally informed by the Indian Office that the papers in the case of Elizabeth Meggs have been returned to you upon your request, the papers in the case of Daniel Whitmire are returned herewith for readjudication.

A copy of the Acting Commissioner of Indian Affair's letter of March 15, 1904, submitting the case, in which it is recommended that your decision be concurred in, is inclosed.

Respectfully,

Signed Thos Ryan,

Acting Secretary.

2 inclosures.

Copy

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, March 15, 1904.

Land
43336-1904.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes, dated July 10, 1903, forwarding the record relative to the application of Daniel Whitmire, as a Cherokee freedman. The record in this case shows that Daniel Whitmire was the slave of a Cherokee citizen at the commencement of the war; that he left the Cherokee Nation and afterward returned with Peter Meggs and Sam Weber and their families, but it does not appear that he returned within the time limit fixed by the treaty of 1866, and the approval of the Commission's decision of July 10, 1903, adverse to him, is recommended.

Very respectfully,

A. C. Tonner.

Acting Commissioner.

G.A.W.-L.C.

COPY.

Cherokee Freedman
D-483.

Muskogee, Indian Territory, May 13, 1905.

Lucinda McKinney,

Centralia, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the application for the enrollment of your son, James McKinney, as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby
Chairman.

Incl. L-8.

Register.

COPY.

Cherokee Freedman
D-467--483.

Muskogee, Indian Territory, May 13, 1905.

Edgar Smith,
Attorney for Cy Martin et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the applications for the enrollment of Cy Martin and James McKinney as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. L-11.
Register.

COPY.

Cherokee Freedman
D-467 et al.

Muskogee, Indian Territory, May 13, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Cy Martin et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. L-10.

COPY.

Cherokee Freedman
D-167 et al.

Muskogee, Indian Territory, May 13, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Cy Martin et al., as Cherokee freedmen, including the Commission's decision, dated May 13, 1905, rejecting said applications.

The Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Cy Martin and James McKinney was remanded by the Department on April 25, 1904, for further hearing.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. L-12.

Through the
Commissioner of Indian Affairs.

Land
37650-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. June 6, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Cy(Si) Martin; by James McKinney and by Edna Martin.

May 13, 1905, the Commission decided adversely to the applicants.

The record shows that on July 1, 1903, the Commission decided adversely to Cy Martin and James McKinney and the decision was affirmed by the Department; that on April 25, 1904, (I.T.D. 2304-1904) the case was remanded for further investigation.

The evidence shows that the applicant, Cy Martin, and Edna Martin were born since 1880 and are the children of Joe and Laura Martin; that the applicant, James McKinney was born since 1880 and is the illegitimate child of Lucinda McKinney and James Whitmire, or Cline; and that none of the applicants possess any rights to enrollment through their mothers.

While the applicants have been afforded ample opportunity it is not established that they possess any rights to enroll-

mentas Cherokee Freedmen. Neither Joe Martin nor James Whitmire, or Cline, are identified on the 1880 authenticated Cherokee roll.

In view of the record the approval of the Commission's decision of May 13, 1905, adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

V.M.M.
W

D. C. 32080 J.P.Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

L.T.D. 6898-1905. July 21, 1906.

L R S

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

May 13, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Sy (Si) Martin, James McKinney, and Edna Martin as Cherokee freedmen.

Reporting June 6, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved A copy of its letter is inclosed.

The Department concurs in said recommendation, and the decision of the Commission to the Five Civilized Tribes dated May 13, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson.

Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D 483

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 31, 1906.

Lucinda McKinney,
Centralia, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, your application for the enrollment of your child, James McKinney, as a Cherokee freedman, was affirmed by the Secretary of the Interior July 21, 1906.

Respectfully,

Commissioner.

H.J.C.

Cherokee Freedman
D 483

COPY.

Muskogee, Indian Territory, July 31, 1906.

Blue and Bulger,

Attorneys for James McKinney,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the application for enrollment of James McKinney as a Cherokee Freedman, was affirmed by the Secretary of the Interior, July 21, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

(SIGNED).
Tams Bixby.
Commissioner.

Encl.H.J.-170.
H.J.C.

Cherokee Freedman
D 483

COPY.

Muskogee, Indian Territory, July 31, 1906.

Blue and Bulger,

Attorneys for James McKinney,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the application for enrollment of James McKinney as a Cherokee Freedman, was affirmed by the Secretary of the Interior, July 21, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

(SIGNED).

Tams Bixby.

Commissioner.

Encl.H.J.-170.
H.J.C.

COPY.

Cherokee Freedmen
D 467-483.

Muskogee, Indian Territory, July 31, 1906.

Edgar Smith,

Attorney for Cy Martin, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the applications for the enrollment of Cy Martin and James McKinney, as Cherokee freedmen, was affirmed by the Secretary of the Interior July 21, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

(SIGNED)

Tams Bixby

Commissioner.

Encl.H.J.-163.
H.J.C.

Cherokee Freedmen
D 467

COPY.

Muskogee, Indian Territory, July 31, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, the applications for the enrollment of Cy and Edna Martin and James McKinney, as Cherokee freedmen, was affirmed by the Secretary of the Interior July 21, 1906.

For your information there is enclosed herewith a copy of departmental decision referred to.

Respectfully,

(SIGNED).
Tams Dixby.
Commissioner.

Encl.H.J.-164.
H.J.C.

Muskogee, Indian Territory, August 2, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of July 21 (I. T. D. 6898-1905), affirming the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications for the enrollment of Cy (Si) Martin, James McKinney and Edna Martin.

On April 25, 1904 (I. T. D. 2304-1904), the Department affirmed the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, adverse to, among others, Lucinda McKinney, mother of the above mentioned applicant, James McKinney. On January 15, 1906 (I. T. D. 8297, 8337 to 8957, inclusive, odd numbers, 1905, and 460-1906), the Department advised this office of the filing of 311 motions for review of Cherokee freedman enrollment cases, and enclosed a press copy of a schedule of names of claimants in said cases, and among the names embraced in said schedule are those of said Lucinda and James McKinney.

In view of the provisions in section 3 of the Act of Congress approved April 26, 1906 (Public No. 129), relative to Cherokee freedman, it is respectfully recommended that the motion for review of the cases of Lucinda and James McKinney be denied. Reference is made to two Departmental letters to this office, dated May 2, 1906 (I. T. D. no number), and (I. T. D. 8347 . . . 8705-1905).

Respectfully,

M.A. Commissioner.

Through the

Commissioner of Indian Affairs.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

LAND
62548-1906.
67025-1906.

C O P Y

August 29, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 21, 1905, (I.T.D.6898-1905), affirming the decision of the Commission to the Five Civilized Tribes rejecting the applications for enrollment of Cy (Si) Martin, James McKinney, and Edna Martin, the office has the honor to transmit herewith communication from the Commissioner to the Five Civilized Tribes, dated August 2, 1906, in which he recommends that the motion filed under the provisions of Section 3, of the Act of Congress approved April 26, 1906, (Public No. 129) should be denied in the cases of Lucinda and James McKinney. These motions are among the 311 motions for review of Cherokee freedmen enrollment cases filed in your office on January 15, 1906, of which press copy of the schedule of names of the claimants was sent to the Commissioner with letters (I.T.D.8297-8334 to 8957, inclusive, odd numbers, 1905, and 460-1906.

The record in the case of Cy Martin, et al., is enclosed.

Very respectfully,

F. E. Leupp.

Commissioner.

EWE-LC.

D.C.39281.
I.T.D.2304-1904.
8399-1905.
8545- "
15392-1906.

J.P.

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

L.R.S.

September 6, 1906.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Answering your letter of August 2, 1906, you are advised that the motions for review in the Cherokee freedman case of Lucinda McKinney and James McKinney et al. were dismissed by departmental letter to you of May 2, 1906. See third page, Wilson Towers et al.

A copy of Indian Office letter of August 29, 1906, submitting your report, is inclosed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

Cherokee Freedmen
227

Muskogee, Indian Territory, April 11, 1907

Lucinda McKinney,

Buck, Indian Territory.

Dear Madam:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of March 20, 1907, asking to be advised the status of the Cherokee freedment citizenship cases of yourself, Richard McLaughing and Debenport Whitmire.

In reply you are advised the records of this office show that your application for enrollment as a Cherokee freedman was denied by the Secretary of the Interior on April 25, 1904. A motion for review of said case filed with the Department September 7, 1905, was denied by the Department May 2, 1906.

You are further advised that the records of this office apparently fail to show that any appplication was ever made to the Commission, or Commissioner to the Five

L. McK.--2

Civilized Tribes for the enrollment of Debenport Whitmire or Richard McLaughing as citizens or freedmen of the Cherokee Nation.

Respectfully,

L M B

Acting Commissioner

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

removed address & unknown

RETURN TO WRITER

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE $300

CENTRALIA
6 AM
AUG 1
1905
IND. T.

Lucinda McKinney,

~~Centralia, Indian Territory.~~

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

Rec. #68
1

1907

Mrs. Lucinda McKinney,

Centralia, Indian Territory.

Cher. Fr. R 909

Cher. Fr. R. 909

Trans. from
Cher. Fr. D 505

[illegible] COUNTY.
[illegible]
[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 5th, 1901.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee Freedman; said Duffin being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A George B. Duffin.
Q How old are you? A I was born in '51.
Q Well how old would that make you? A 49 I guess, about 49.
Q What is your post office? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever been recognized by the Cherokee authorities?
A I have been voting and issuing permits.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation?
A It is on the Kern- and Wallace roll.
Q Who do you want to enroll? A None but myself.
Q What is your father's name? A Nathan.
Q Is he living? A No, sir.
Q What is your mother's name? A Francis Duffin.
Q Is she living? A No, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kemp-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 182, #4486, Geo. B. Duffin, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 110, #2345 George B. Duffin, Cooweescoowee District.

Q Were you a slave, Mr. Duffin before the war? A Yes, sir.
Q To whom did you belong? A Dr. John Thornton.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Fort Scott, Kansas.
Q Who took you out? A The United States troops.
Q Were you a soldier? A Yes, sir; I was a child.
Q When did you return to the Cherokee Nation? A In the Summer or fall of '66
Q Where did you come to? A Big Creek.
Q Have you been living in the Cherokee Nation ever since that time?
A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q You say you have voted in the Cherokee Nation? A Yes, sir.
Q Had permits issued to you? A Yes, sir.
Q Who did you return with? A Just the family, we came down, father came down in the summer of '66, with quite a tropp of them and selected his home and he went back and sold his crop that fall and came down and arrived on Big Creek in the fall or November of '66.
Q Who did you say your owner was? A Doctor John Thornton.
Q Did he own your father and mother? A No, sir.
Q Whom did they belong to? A He owned mother.
Q Did your father and motherreturn with you? A Yes, sir, and four children.
Q They are both dead are they? A Yes, sir.

BY W. W. HASTINGS, Cherokee Representative:

Q What was your mother's name A Frances Duffin.

Q Do you sometimes go by the name of George Keyes? A No, sir.
Q You have a sister by that name? A Eliza Keyes.
Q You have another sister, Sarah Moss? A Yes, sir.
Q When you came back you come to Big Creek? A Yes, sir, when we moved.
Q What part of Big Creek was it? A Near the head of Big Creek, near about eight miles from the Kansas line.
Q How far is that from Snow Creek? A About ten miles, east ten or 12 miles.
Q Any other family come with you except yours? A No other family.
Q You come right there and located first? A Yes, sir.
Q Who was living around there at the time? A On Big Creek?
Q Yes. A Well, there was Andy Dougherty.
Q Was he a Freedman? A Yes, sir; Daniel Sanders, Mike Sanders and Sam Webber.
Q They were all living on Big Creek ~~there~~ were they? A Yes, sir; some of them in hou ses and some partly in tents and so forth .
Q They had come before you? A Yes, sir.
Q Had they made a crop ther that year? A They had some little patches killed out.
Q Had corn in them? A They had gathered what corn they had, it was in November when I got there.
Q Did you know Jim Martin? A Did I know him?
Q Yes. A Yes, sir.
Q How far do you live from him? A I live about 12 miles from where he lives.
Q Do you know William Nobxle? A Yes, sir.
Q Where did he live? A He lives about four miles now.
Q How long has he lived there? A I got acquainted with him in November in the fall of '70.
Q He was not there then? A No, sir. The place he lives on now was made by Doctor Brown.
Q Was any Cherokees living near that place when you come?
A Yes, sir.
Q From what place in Kansas did you come? A Anderson County.
Q What point? A Near Garney.
Q Did you come by way of Chetopa? A Yes, sir.
Q Through what other towns did you pass? A In our coming?
Q Yes. A We came down through a little town that was called Osage Agency I think; that is about the only town I remember of; we came through several towns, but we came through what is known as the Osage Nation or the Osage Mission, I don't remember now; I remember there was Osage to it.
Q Did you pass by any Cherokee houses in the Cherokee Nation?
A No, sir.
Q Didn't see any at all? A No, sir; never seen a house after we left the little village of Chetopa until I come down to big Creek.
Q You come down by way of Chetopa and then turned west?
A Yes, sir.

Permission is granted Mr. Edgar Smith to interrogate the applicant:

Q You state Eliza Keyes was your sister? A Yes, sir.
Q And what is your other sister's name? A Sarah Moss.
Q Who was with you when you came back from Kansas?
Q Just two wagons, the family.
Q Well, state who was in the family? A My father, mother, brother and two sisters.
Q What are your two sister's names? A Sarah and Eliza and Koshua.
Q Was Sarah or Eliza older than you? A They are younger.
Q Are they both your full sisters? A Yes, sir.
Q To whom did they belong? A The same man, Doctor Thornton.
Q Did they go out witn you? A Yes, sir.

Q Come back with you? A Yes, sir.
Q When do you say they came back into the Nation after the war?
A In the fall of '66.
Q Wh re did they take up there resddence; where did they live after they come back here in the fall of '66? A They lived until they became woman in the house with us and Sarah lived with us part of the time; two of her children were born right in Father's house.
Q Those two sister you have named lived with you and your father?
A Yes, sir.
Q Where was your father's house? A About eight miles from the Cherokee line on Big Creek.

BY W. W. HASTINGS:

Q Were these girls married when you come down here?
A They was quire small, small children.
Q Have you ever worked in Kansas after you come down here?
A Yes, sir, I have been been working a gread deal ~~xix~~ from '87, I travelled in the Ministry.~~xxxxx~~
Q Are you married? A No, sir.
Q Where were you traveling in the Ministry? A All through this Nation and In Kansas, in Arkansas, until '84, father was taken sick and I was goin g to school?
Q Where? A Baker University, in Kansas.
Q You remember the Osage Mission? A Yes, sir.
Q You remember Chetopa? A Yes, sir; that is what they was of Chetopa, you know there was not much of Chetopa; there wasn't but one or two stores.
Q I know it was not named until '67? A I think it was there.
BY COM'R NEEDLES: Do you own any improvements in the Cherokee Nation
A Yes, sir.
BY W. W. HASTINGS:

Q You knew that you were not a re ognized citizen of the Cherokee Nation? A Well, I don't know.
Q You knew the Cherokees didn't recognize you? A Yes, sir.
Q What did you make your home for when you knew they didn't recognize you? A I knew I was'nt a citizen if I come by the Cherokees' recognixtion .
Q You then went out on the public domain and took a home?
A Yes, sir.

COM'R NEEDLES:

Q Do you know the reason your name is not on the roll of 1880, Mr. Duffin? A No, sir; in 1880 the census taker came to my father's house and eat supper and breakfast and the next morning them taken all of our names and I don't know what they done with them.

BY W. W. HASTINGS:

Q What was their names? A I don't know; I didn't know any Indians then only those down in Going Snake District, where I was bred and born.

BY MR. SMITH:

Q You spoke of Chetopa having one or two stores; do you know whether it was named at that time or not? A No, I don't.
Q You had reference to the place? A Yes.

BY MR. HASTINGS:

Q You heard me say it wasn't named since you give the other testimony didn't you? A

A I don't remember what you said in that regard.

COMM'R NEEDLES:

Q Now, Mr. Duffin, you passed by the place that is now called Chetopa didn't you? A Yes, sir.
Q How old were you when you passed by there? A Well I guess I was about 14 I think I was 14 when we came to the Nation.

BY MR. HASTINGS:

Q When did you first see Allen Lynch after the war, on Big Creek?
A No, sir, I don't remember; I have knowed him nearly all my life.

ALLEN LYNCH BEING SWORN AND EXAMINED BY COMMISSIONER T.T. Needles, testified as follows:

Q What is your name? A Allen Lynch.
Q What is your post office? A Vinita.
Q How old are you, Mr. Lynch? A 61 years old.
Q You are a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Name on the roll of 1880? A Yes, sir.
Q Do you know the applicant, George W. Duffin? A Yes, sir.
Q How long have you known him? A I have known him ever since he was a little boy.
Q Was he a slave? A Well, yes, sir; that is, his parents was.
Q Do you know to whom he belonged? A His father belonged to a man by the name of Tyner.
Q Do you know who his mother belonged to? A His mother belonged to Dr. Thornton.
Q Well now, do you know whether the applicant was taken out of the Cherokee Nation during the war? A No, sir, I don't know.
Q Where did you first see him after the war? A The first time I saw him was down here.
Q Down where? A In the Nation.
Q Where? A I never seen this man until about '67 or '68.
Q Did you see his father and mother before that? A Saw his father.
Q When? A Saw his father in October or September, '66.
Q Where was his father living then? A His father was living in Kansas and come down here and I saw him at Art Williams'.
Q Was any other man with him? A Not that I saw.
Q You don't know whether the applicant was here in 1866 or not?
A No, sir.
Q You know his father was? A Yes, sir.
Q Well, have you known him ever since? A Yes, sir.

BY MR. SMITH:

Q Do you know Elisa Keys? A Yes, sir.
Q What kin is she to him? A Sister.
Q Do you know Sarah Mo ss? A Yes, sir.
Q When did you first see them after the war? A I never saw any of the family until after they moved down except the old man until along in '67, somewhere along in there.
Q Where were they living when you saw them? A They were living over on Big Creek, and the old man come over there on Grand river and preached for us.
Q What year was that? A In '67 or '68, and on along until he died.

BY MR. HASTINGS:

Q Allen, do you draw a pension? A Yes, sir.
Q For a wound that was inflicted during the war? A Yes, sir.
Q On the point of the left shoulder? A Yes, sir.
Q Where was that wound inflicted? A At Honey Springs.
Q Down here? A Down in the Creek Nation.
Q What year? A '64 I believe, July 16th, I think that is the time.
Q Now where did you see this man Duffin over on the Grand river?
A At Art Williams' on Grand river.
Q ~~[illegible]~~
Q Were they living over there? A No, sir; they were there looking around.
Q Did they go back to Kansas? A Yes, sir, they went back to Kansas.

FILMORE HICKS, being sworn and examined by Commissioner T. M. Needles, testified as follows:

Q What is your name? A Filmore Hicks.
Q Post office? A Vinita.
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Do you know George D. Duffin, the applicant? A Yes, I am acquanited with him.
Q How long have you known him? A I don't know exactl how long; I have known him; I have known him 25 years I reckon.
Q Do you know whether he was a slave before the war?
A No, sir, I don't.
Q Do you know whether he was taken out of the Cherokee Nation during the war? A No, sir.
Q When did you first see him after the war? A I met him about '73 or '74.
Q Did you know his father? A Yes, sir, I knew his father.
Q And his mother? A No, sir, I didn't know his mother.
Q Where did you first see his father after the war?
A On Grand river at Lynch's prairie.
Q What year A '66.
Q Did he have his family with him? A No, sir.
Q Did you see any other members of his family, his sisters?
A In '66?
Q Yes? A No, sir.
Q Didn't see anybody but the old man? A No, sir.

BY MR. DUFFIN, the Applicant:

Q I would like to ask Mr. Hicks before this Commission what was father's business down in '66? A Well I saw him up there at Lynch's and he was talking about looking out for places him and Tom Mayfield together looking for locations.
BY MR. HASTINGS: He went on back to Kansas? A I suppose so.
COM'R NEEDLES: How do you know? A I don't know.
Q Did you testify for Aaron Martin? A Yes, sir.
Q Anderson Lynch, commonly known as Crap Lynch, testified for him?
A No, sir, I don't think he did.
Q Didn't Aaron Martin promise to give you and Anderson Lynch a mule to testify for him? A Promised to pay.
Q What? A Yes, he ~~promised~~ paid us for it.
Q A mule? A Yes, sir.
Q What is the mule worth? A I don't know.

BY COMR NEEDLES:

Q When was that? A When the Commission was at Vinita.

Q Well he was as good as his word and paid the mule did he?
A Yes, sir.

MOSES RILEY, being sworn and examined by Commissioner T.B. Needles, testified as follows:

Q What is your name? A Moses Riley.
Q What is your age, Mr. Riley? A About 51.
Q Post office address? A Chelsea.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Well, do you know the applicant, George B. Duffin? A Yes, sir.
Q How long have you known him? A All my life, might near.
Q Was he a slave? A I never saw him when he was a slave, I saw his father.
Q His father was a slave was he? A Yes, sir.
Q Do you know whether George here was taken out of the Cherokee Nation during the war? A Yes, sir.
Q Where was he taken? A Kansas.
Q Who took him? A I don't know, sir, who took him.
Q You saw him in Kansas? A Yes, sir.
Q Did you know when he returned to the Cherokee Nation? A His father reuthred here the fall of '66, or somewheres along about there.
Q Did his father have his family with him? A He didn't when I saw him.
Q You say his father didn't have his family with him?
A No, sir, his father was at my father's house.
Q When did you first see George ? A I knew George a little before Christmas.
Q Little before Christmas? A Yes, sir.
Q What year? A The same winter.
Q The same winter that you saw his father in the summer?
A No, sir, I saw his father, I never saw his father until the winter.
Q When did you see George? A I saw him the same winter, saw him on Big Creek.
Q Do you know whether that was '66 or '67? A Winter of '66.
Q Was his father keeping house there? A Yes, sir, his father was keeping house.
Q George was one of the children? A Yes sir.
Q Weorge was a minor; was he under 21? A Yes, sir.

BY T. W. HASTINGS:

Q Mose, you are a son of Riley McNair? A I guess so that is what I am claiming to be.
Q That is what you swore? A Yes, sir.
Q You are on a doubtful card yourself? A I expect so, I am not on the 1880.
Q You applied at Vinita and you know it?
A Yes, sir.
Q were you present the other day when Mrs. Martin Thompson testified in your case? A Yes, sir.
Q where did you go when you returned to the Cherokee Nation yourself? A Returned to the old McNair place in Saline.
Q What time did you reach there? A In the fall, sir.
Q How old were you then? A I don't know, sir, how old I was.
Q Grown? A No, sir, I wasn't grown I know.
Q Just a boy? A Somewhers along between a boy and a lad.
Q Now, how far is Grand river from Big Creek? A Yes, sir.
Q From where you lived on Grand river to where this man lived on Big Creek? A I expect it must have been about 30 miles, I expect from where was was then.

Q Lots of other people living up on Big Creek at the time?
A Yes, sir, lots of darkies.
Q Lots of them? A Yes, sir, lots of them.

GEORGE B. DUFFIN, the applicant, re-called:
BY COM'R NEEDLES:

Q Your earliest recollection where were you? A My earliest recollection I was down here in Going Snake District about six miles they called it from Dutch town, that is where I was born.
Q Then you recollect going to Kansas? A Yes, sir, I never could forget that, we left the Nation with about 50,000 soldiers and they carried us about 20 miles horseback.
Q Now, when you returned did you return with your father's family?
A Yes, sir.
Q You don't recollect whether your father had been down in the Cherokee Nation before he went back after his family or not?
A Yes, sir, he came down the summer preceding the fall looking out a location.
Q Then went back to Kansas after his family?
A Yes, sir.
Q Did he bring your mother? A Yes, sir; well out crops and effects there all we could haul and come on down.
Q You were quite a child then? A Yes, sir.
Q About how old were you? A It has been quite a while but I think I was about 14.
Q You have been living in the Cherokee Nation ever since?
A Yes, sir.
Q You have been out occasionally in the Ministry, around in the different states? A Yes, sir, I have been in Missouri, and Kansas and Arkansas and in this Nation.
Q Have you ever established a home outside? A No, sir. I went two years to school at Baker University.

COM'R NEEDLES: George B. Duffin applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is fully identified upon the Kern-Clifton roll and Wallace pay roll. By reason of the fact that his name is not on the roll of 1880 and further fact that his citizenship is contested by the Cherokee Nation, George B. Duffin will be listed for enrollment as a Cherokee Freedman on a doubtful card. He will notified of the decision of the Commission when arrived at.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 7th day of June, 1901.

C. H. Merriman

Commissioner.

DEPARTMENT OF ENERGY
TECHNICAL INFORMATION CENTER
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Dupl.C.R.-D.#505.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 25th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George W. Duffin as a Cherokee Freedman, introduced on part of the Cherokee Nation:

Appearances:
Mellette & Smith, Counsel for applicant;
Mr. Hastings, of Counsel for Cherokee Nation.
(Witnesses called, sworn and placed under the rule.)

W. A. JOHNSON, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A W. A. Johnson.
Q What is your age, Mr. Johnson? A 71 years.
Q What is your post office address? A Garnett, Kansas.
Q How long has that been your post office? A Since 1858.
Q Did you know a colored man by the name of Nathan Duffin?
A Yes, sir.
Q Did you know his wife, Frances? A I don't know what his wife's name was.
Q You knew her, knew he had a wife? A I knew he had a wife.
Q Did you know any of his children? A I knew two boys, two sons, young men.
Q Do you remember their names? A I do not, I don't know that I ever knew their first name.
Q Did he have any girls you remember? A Yes, he had a couple of girls, but I don't know what their names was.
Q Well, when did you first learn to know this family A About '61.
Q Where did they live at that time? A They lived in the vicinity of Garnett, Kansas.
Q Live on the farm? A Yes, sir.
Q Did you know what old man Duffin's occupation was?
A He was a preacher.
Q How long did they continue to live in that vicinity from 1866?
A My recollection is that they were there in the spring of '70.
Q What fixes that date as the date that you think they were there last?A That was the date in which the Leavenworth, Florence & Galveston railroad was built to Garnett, and they were there during the building of that road until it was down to Garnett, and I know that they were there from the fact that they hauled railroad ties right past my house to the road until it was finished.
Q How far did they live from you, Mr. Johnson? A About two mile and a half.
Q Did you have occasion to see them frequently? A Saw them almost ever day, that is the two young men.
Q Did any of them ever work for you? A Yes, sir, I had them chop wood for me.
Q You remember when that was? A I think that was in the winter of '67 and '8.
Q I believe you stated that you are a practicing attorney at Garnett, Kansas? A Yes, sir.
Q You also stated in another case that you had been County Attorney and Judge? A Yes, sir.
Q Up in the States of Kansas? A Yes, sir.
Q You didn't know but two boys of Duffin's? A That is all I have recollection of now.

MR SMITH: Mr. Johnson, you don't know whether the men or the boys that you knew there whose names you didn't know are the men who apply in these applications for enrollment do you? A No, sir, I do not, I haven't seen the men since they left Kansas.
Q Ho , when did you last see the girls? A It was somewhere about the spring of '70.
Q Well, now, you spoke of the boys having got wood for you in '67, or '8, did you have any occasion to know anything about the girls at that time? A Nothing more than the fact that the girls were there about the house where their father lived , the man I supposed to be their father.
Q Where did they live? A They lived about two miles southeast from Garnett on the farm owned by Judge Campbell.
Q They lived out in the country on the farm? A Yes, sir.
Q And you lived in Garnett? A No, sir, I lived adjoining Garnett.
Q Did you live on a farm? A Why I lived on a small tract of land adjoining the City.
Q Well practically you lived in Garnett? A Yes, sir, my office was in Garnett and has always been.
Q When was the last time you could state that you have been at the house of these people? A I could not state that exactly, but it was sometime about the time the railroad was completed to Garnett.
Q Well, you stated that you remember seeing the father and I don't know whether you said the boys or not, working there hauling to the time the railroad came there, but did you see the girls at the same time, they weren't hauling? A No, sir, but I frequently passed the place, I have seen them around the house.
Q Who would you see around the ho use? A I would see some girls there.
Q How many? A Two that I remember.
Q What was the difference in their sizes? A I have no recollection now whether there was any particular difference in the sizes or not.
Q You don't know what two girls they was? A No, sir; I understood that they were Duffin's girls.
Q Were you ever at the house? A Yes, sir, I have been at the house, not in the house but I have been at the house.
Q When did you first know Duffin? A I think it was in the winter of '66.
Q Can you state positively whether Duffin was there in the winter of '66 and spring of '67? A In the Spring of-
Q Winter of '66 A Well, that is my best recollection.
Q But you can't state that positively? A No.
MR. HASTINGS: You mean to say by that that you don't know just any one time or what did you mean by that? A I mean by that that I could not be positive about just the exact time I saw him there.
Q Did you ~~xxxx~~ see him up until the spring of '70? A Yes, sir, I saw him frequently then.
MR. SMITH: Now, let me understand you, I want to know whether you can state positively whether he was there at all during the winter of '66 and spring of '67? A I would say he was.
Q No, what time did you see him in the spring of '67? A I could not say just what time, there is nothing by which I could distinctly fix the time.
Q If you can't fix the time you don't know he was there?
A Well, sir, I had just come home from the army during the winter of '65, and when I came home a short time afterwards ~~x~~ I got acquainted with him.
Q Well, now, how long afterwards? A I could not say how long.
Q About how long? A It has been a good long time ago, about probably it was three months.

Q That time did you get home from the army? A I got home on the day of the election in November.
Q That was in '65? A Yes, sir.
Q And you don't know within three months of that time you first got acquainted with Duffin do you? A Yes.
Q No, what time? A I say about three months after that.
Q About three months after November, 1865? A 1865.
Q Then one year from that time where was Duffin? A I could not say just where he was just one year after that.
Q Have you anything by which you fix these dates at all, or are you testifying from your independent recollection of facts?
A I am testifying from my recollection of facts, except I know that the railroad was completed to Garnett on the first day of May 1870, and that they were there then.
Q Can you state with reference to the two girls you mentioned when, before that railroad was completed, when you last met them and under what circumstances? A No, sir, I could not state under what circumstances I saw them at any time, simply see them there about the house as I would see any other lady.
Q Was there a man up there named Amby? A Hamby.
Q Hamby? A Yes, sir.
Q Did they live on his place? A I am not certain whether they did or not.
Q Do you have any recollection of their ever being on there or living on that place at all, Hamby's place, the preacher?
A No, sir.
Q Well, what do you say about that, were they on his place, or do you remember? A Not that I recollect of and I think too they were, but I am not positive about that, it has been a long time ago, and I haven't thought about those matters.
Q Did you see this man, Nathan Duffin, in October, '66?
A I could not say whether I did or not.
Q Can you state whether ~~ix~~ he was in Kansas during October or September, '66? A It would be my recollection that he was, but I could not fix any particular time that I saw him in the fall of '66.

Com'r Needles: This testimony will be made part of the record in the case at bar, D-505, and also will be made part of the record in Cherokee Freedmen cases D-506, D-507, D-509, D-510.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 12th, 1901.

Commissioner.

F. D. 511.

To be filed in the case of George B. Mosgx Cherokee Freedmen Doubtful 519.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee freedman.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for the Cherokee Nation.

J. M. Johnson, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. J. M. Johnson.
Q. Postoffice is Garnett, Kansas? A. Garnett, Kansas.
Q. Age is 50? A. 50.
Q. You have been a resident of Garnett since '59? A. Yes, sir.
Q. Did you know a colored man up there by the name of Nathan Duffin? A. I did, yes, sir.
Q. Did you know his family? A. I did, that is part of it, boy.
Q. Did you know what Nathan did, what occupation? A. Yes, sir.
Q. What was it? A. He was a preacher.
Q. Did you know any of his boys? A. Yes, sir, I knew George, and Joshua I think the other one's name was.
Q. Where did they live when you knew them? A. They lived about two miles and a half of Garnett.
Q. Two miles and a half of Garnett? A. Yes, sir.
Q. Well now how long did they continue to live there? A. They lived there until they lived there in the year '70, and I don't know just what time they left.
Q. They left sometime after that? A. they left after that, yes, sir.
Q. Did you see them frequently? A. Yes, sir, I worked with him on the railroad in '70.
Q. What railroad was that? A. The Santa Fe, then at that time was L. L. & G.
Q. Do you know they were there when that railroad was built?
A. Yes, sir they were hauling ties.
Q. And that is why you fix that date? A. Yes, sir.
Q. And did they live there from the time you first knew them up to that time? A. Yes, sir.
MR. SMITH: When was it you first knew them? A. In '65.
Q. Who did you first become acquainted with? A. The old gentleman.
Q. What year was it when you first knew George Duffin? A. The same year.
Q. What time of the year did you become acquainted with George?
A. Some time about the spring of the year, I think.
Q. Well when did you first become acquainted then with the old man?
A. Now I don't think - I think it was in the spring of '65.
Q. Well how long a time had elapsed between the time you first knew the old man until you knew the other? A. Only a short time.
Q. Well about how long? A. Probably not more than a week or ten days.
Q. How old was George at that time? A. I couldn't say; he was about my age, I think a little older.
Q. What was the old man's name? A. Nathan, yes, sir, that's what we called all of them.
Q. He was a preacher, the old man? A. Yes, sir.
Q. What was George? A. He worked around on the farm, he and the other boy.
Q. They wasn't preachers was they? A. No, sir, they were workin, out, hauling, teaming around, and farming.
Q. How far did he live from you, old man Nathan? A. Well part of the time he lived in a half a mile from Garnett, and part of the time about two miles and a half.

Q. From you? A. Yes, sir.
Q. Well did you remain all of the year of '65 in Kansas, in Garnett ?
A. Yes, sir.
Q. Were you there all the year of '66? A. Yes, sir.
Q. '67? A. Yes, sir.
Q. '68? A. Yes, sir.
Q. '69 and '70? A. Not all the time in '70.
Q. Well what were you doing in Garnett in the same year of '65 to '67? A. Well in the winter time I was in school; during the summer months I was working around the farm.
Q. What farm, where was your farm? A. I was farming for Spriggs and in '69nI was working on the railroad.
Q. When did you last see George Duffin? A. We were working on the railroad I think in '70, spring of '70.
Q. 32 years ago? A. Yes, sir.
Q. Well where was old man Duffin at the time George was working on the railroad? A. I think he was living up there in the county, up on the farm.
Q. Well are you sure about that? A.Not positively, no, sir.
Q. Was he in that county? A. Yes, sir.
Q. You are sure of that ? A. Yes, sir.
Q. Well if he wasn't living up there on that farm where else was he in that county? A. He might have been living over there on Mandevia, an addition to the city of Garnett.
Q. You swear that he was in Franklin County, Kansas, old man Nathan Duffin, at the time these boys were working on the railroad? A. In Franklin County, No, sir.
Q. Tne what county? A. Anderson County.
Q. Anderson County, Kansas? A. Yes, sir.
Q. You are sure about that? A. No, sir, I am not so positive sure about that.
Q. Well if you are not sure about it, why do you state it? A. The family left there together.
Q. Well now what do you say; was he in Anderson County, Kansas, while the boys were working on the railroad or not? A. He was .
Q. You are just as positive about that as you are to anything else that you testify to? A. Yes, sir.
Q. Now as a matter of fact don't you know that old man Duffin and the boys both had come away from there and were down here in the Cherokee Nation, and that the boys went back up there in '70 and worked on that railroad? A. No, sir.
Q. That is not a fact? A. That isn't so.

COMMISSION::This testimony will be filed with and made a part of the record in the following doubtful freedmen cases: Sarah Moss et al, D-506, Eliza Keys, D-507, Joshua Duffin, D-509, George W. Moss, D-510, and George B. Duffin, the case at bar, D-511. It appears from the records of this Commission that all of the applicants in the above named cases are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed - Arthur G. Croninger,

Subscribed and sworn to before me this 28th day of May, 1902.

Signed F. G. Reuter,
Notary Public.

Muskogee, Indian Territory, July 9, 1902.

R. A. Stevens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly copied the testimony and proceedings in the matter of the application of George B. Duffin for enrollment as a Cherokee Freedman, D-811, and that the above and foregoing is a true and correct copy thereof.

R. A. Stevens

Sworn to and subscribed before me this 9th day of July, 1902.

B. O. Jones
Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Geo. B. Duffin, D 505;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

Cherokee Freedmen D-505,
et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JULY 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications for the enrollment of GEORGE B. DUFFIN, SARAH MOSS, ET AL, ELIZA KEYS, JOSHUA DUFFIN, GEORGE N. MOSS, and FRANK DUFFIN as Cherokee Freedmen.

It appears that on June 4, 1904, the applicants, their attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be giveneach of them to appear before the Commission at its officeein Muskogee, Indian Territory, on June 13, 1904, and then and there introduce further testimony touching the points mentioned in said letter, and on June 18, 1904, this case was continued by agreement until this July 16, 1904, when the following testimony was introduced.

APPEARANCES:
The principal applicants present in person and by attorney R.W.Blue.
Cherokee Nation by its attorney, James S. Davenport.

GEORGE W. LYNCH being first duly sworn, testified as follows on behalf of the applicants.

By the Commission:
Q What is your name? A George W Lynch.
Q How old are you? A I was born December, 1852.
Q What is your postoffice address? A Vinita.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know George B. Duffin who has applied for enrollment as a Cherokee freedman? A Yes, sir.
Q Do you know Sarah Moss? A Yes, sir.
Q Do you know Eliza Keys? A Yes, sir.
Q Do you know Joshua amd Frank Duffin? A I know Joshua but I don't remember Frank.
Q Do you know George N Moss? A Yes, sir.

By Mr. Blue:
Q Did you know Nathan Duffin? A Yes, sir.
Q Where and when did you first see him? A I never saw him in my life until '67.
Q What time in 1867? A It was abuut the first of February, '67.
Q Where did you see him? A On Big Creek.
Q About how far from the Kansas line, south line of Kansas? A Making an estimation I think it was somewheres from six to seven miles.
Q In what direction from the Kansas Line? A South of the Kansas line.
Q You saw him at that place, did he have a house or place to live in there? A He had kind of a rough double log house.
Q What time of the day were you there at his place? A We got there very early in the morning, before they had eat breakfast.

Q Who was with you at that time? A A man by the name of Art Williams.
Q Was he a white orcolored man? A Colored man.
Q Where were you going at that time? A He was going there, but I was enroute to enlist in the Army.
Q Did you proceed on and enlist in the Army? A Yes, sir.
Q What regiment did you enlist in? A Company C, 10th Cavalry.
Q At what place? A I went to Fort Leavenworth.
Q Do you remember the date of your enlistment? A No, sir, I don't remember right now, in the Spring of '67.
Q After you saw Mr. Duffin there where did you next see him? A I never saw him any more until I went in the Army and come back.
Q How long were you in the Army? A I went in in '67 and come out in '72.
Q How soon after you came out of the Army did you next see Mr. Duffin? A I judge it was about along in '73.
Q Where did you see him? A I saw the old man first, after I come back over on Grand River, with an old preacher by the name of Rider, they were over there at a meeting?
Q In what Nation? A Cherokee Nation.
Q What was Nathan Duffin's business ? A He was a preacher.
Q Do you know George Duffin? A Yes sir.
Q When did you first see him if you remember? A I first saw George when Art Williams and I went to the cabin that morning and got breakfast.
Q That was in 1867? A Yes, sir.
Q Who else of the Duffin family did you see there at that time? A As well as I remember I saw two boys and two girls.
Q Did you afterwards ascertain who they were? A Yes, sir.
Q Who were they? A It was George and Joshua and Sarah and Eliza.
Q George and Joshua and Sarah and Eliza who? A Duffin's, always known as Duffins, sometimes called Tyner, I don't know where that name come from.
Q Do you mean by that that Nathan Duffin was sometimes called Tyner? A Yes, sir.
Q By what name does Eliza Duffin now go? A By Eliza Keys.
Q How about Sarah Duffin, by what name does she go now? A By the name of Sarah Moss.
Q Did you see Eliza Keys after 1867, when you first saw her there at her father's house? A Yes, sir, frequently since that.
Q Have you seen Sarah frequently since that, too? A I saw her now and then, but not as often as I have Eliza, but I have seen her several times since that.
Q How long did you remain at Nathan Duffin's cabin in Fenruary, 1867 when you went there? A Ate breakfact, sat around there an hour or two and talked.
Q Then what did you do? A Art showed me how to go down the creek, where my grandfather was living down there, and some more folks, and he went on his way.
Q Did you go on yours, too? A Yes, sir.

By Mr. Davenport:
Q As I understand you, Nathan Duffin, together with George, Joshua Sarah and Eliza, was living in a double log house in Cooweescoowee district about the first of February, 1867? A Yes, sir.
Q Did you have any conversation with Nathan Duffin at the time you were there as to where he went during the war? A No, sir, had no conversation with him at all; it seems that him and Art Williams were acquainted and I listened to them talk.

Q Did you hear any conversation between them as to where the Duffin family went during the war? A No, sir.
Q There was nothing passed then between Art Williams and Nathan Duffin as to whether or not Art had left the Cherokee Nation during the war or that Duffin and his family left? A If I did I Don't remember it.
Q After this time you claim you saw them there in 1867 it was five or more years till you saw them any more? A It must have been six years.
Q It was after you came out of the Army? A Yes, sir.
Q Were they living on the same place when you saw them again? A I didn't come back on the same place; I saw the old man and the boys frequently, but not at their homes.
Q Have you since that time learned whether or not Nathan Duffin and his family went out of the Cherokee Nation during the war? A I don't know as I have; I have no knowledge of it.
Q You haven't learned it from any of the family? A I believe I have heard it mentioned that they went out of the Cherokee Nation during the war.
Q You have never heard them tell about having lived about Ottowa, Kansas, with old man Campbell have you? A No, sir.
Q Never heard George here and his brother tell about hauling Cross ties to build that railroad when it built into Ottowa, Kansas? A No, sir.
Q Have you ever talked with them about their taking a lease from old man Campbell for clearing out a peice of land, near Garnett, Kansas? A No, sir, I have never heard of that.

GEORGE CAMPBELL, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

By the Cherokee Nation:
Q What is your name? A George Campbell.
Q How old are you? A 58.
Q What is your post office address? A Garnett, Anderson County, Texas.
Q Are you a citizen of the United States? A Yes, sir.
Q Do you know the applicants in this case who have applied here to be enrolled as Cherokee freedmen, George B. Duffin and Joshua Duffin, and Sarah Moss, et al.? A I used to know them, but haven't seen them for a good many years.

By Mr. Davenport.
Q Mr. Campbell, how long have you lived in or near Garnett, Kansas? A Ever since 1856.
Q Where were you living with reference to Garnett, Kansas, in 1865? A The latter part of 1865 I lived 2 1/2 miles east.
Q Of Garnett? A Yes, sir.
Q Did you know a family of colored people there in 1865 by the name of Duffin? A Yes, sir.
Q Do you remember the name of the old gentleman? A Yes, sir.
Q What was his name? A Nathan.
Q What was his business? A He farmed and he preached.
Q Where did he lived when you first got acquainted with him? A The first I knew of them they lived on a place right west of us, adjoining us, Gibson.
Q Gibson place? A Yes, sir.
Q After you got acquainted with them, where did they live? A On my father's place; leased some land there for three years.

Mr. Blue: I object to that on now being the best evidence.
Commission: Objection noted.

What was your father's name? A J. A. Cardwell.
How long did the Duffin family live on your father's place after they moved there? A I think they lived there three years but; they were there in 1868, I know.
What makes you remember they were there in 1868? A

Mr. Blue: Objected to as incompetent, immaterial and irrelvant.
Commission: Objection noted; witness will answer.

A Well, in 1867, July 4th, I enlisted to go out on the plains in the Army, and they were there when I come back, and I farmed with them the next summer.
Q Did you work on the same farm that belonged to your father that the Duffins lived on while working your father's farm? A Yes, sir.
Q You were then about how old? A About 22.
Q Do you remember the names of the family of how many there were in the family? A There were two boys and two girls and the father and mother, six.
Q Do you remember whether there were any other children?
A I don't know.
Q Do you remember the names of any of the children? A One was named George, and I think the others name was Frank.
Q Do you know the girls' names? A One was named Eliza and I don't know the other name.
Q Have you ever seen the boys or the old gentleman since that time? A George was at my house once since then.
Q When did they move from your father's place? A I just can't tell you just when they moved away.
Q They were there the crop year, the last year you remember? A '68
Q They were there in July in 1867? A No, they lived on the Gibson place at that time.
Q In the neighborhood? A Yes, sir.
Q From the time you got acquainted with them in 1865 up to 1868, had they moved out of the neighborhood? A No, sir, they hadn't moved out.
By Mr. Blue:
Q In what regiment did you enlist to go on the plains? A 18th Kansas.
Q Was that the regiment that was raised in Kansas for Indian service after the war? A Yes, sir.
Q Col. Crawford was Col.? A No, sir, he was Col. of the 19th.
Q Who was Col. of the 18th? A Didn't have none.
Q Who commanded it? A Major Moore.
Q Where did he reside? A At Lawrence.
Q Is that the Mr. Moore that was afterwards elected to Congress from the second district? A Yes, sir.
Q How long were you in the service of the 18th Kansas? A I enlisted for five months, but got out; went in in July and got out in December.
Q Went out in July of 1867? A Yes, sir.
Q Did you serve with the 19th Kansas? A No, sir.
Q In what troops did you serve? A We served with the 10th Cavalry.
Q 10th colored Cavalry? A Yes, sir.
Q Who commanded it? A A m n by the name of Arms.

Q He commanded your battalion all the time you were out? A Yes, sir
Q When did you enlist in that regiment? A In July, 1867.
Q What time in July? A 4th of July we enlisted; mustered in the 15th of July.
Q Where did you enlist? A Garnett.
Q Who was the officer that enlisted you? A Johnson, I think.
Q What Johnson? A Col. Johnson, or Captain Johnson.
Q Alex? A Yes, sir.
Q Did Alex serve in the 18th? A No sir, we were under Captain Jennings of Ottowa.
Q You say you knew Nathan Duffin? A Yes, sir.
Q Where did you first meet him? A I first met him at Garnett.
Q At what place? A Right east of Garnett.
Q Whenwas that? A In 1865.
Q What time in 1865? A Must have been about the first of september, I didn't come until the latter part of August.
Q Did you serve in the Union Army before that? A Yes, sir, in the 2nd Kansas Cavalry.
Q Is that Cloud's regiment? A Yes, sir.
Q When did you come back from the service in the 2nd Kansas after the war closed? A Yes, sir, mustered out at Lawrence.
Q When? A 18th of August, 1865.
Q Then where did you go? A I come right home to Garnett.
Q You saw Nathan Duffin after that? A Yes, sir.
Q Where did you say he was, as to whose farm he was on? A A man by the name of Gibson.
Q His first name? A John.
Q Where is Gibson now? A He is dead.
Q Did he ever hold any official position in Anderson County, Kansas? A Not that I know of.
Q When you saw Nathan Duffin out there what was he doing? A Farming.
Q What kind of a house did he live in? A Board house; boarded up and down, on Gibson's place, and built a log house on our place.
Q On Gibson's place he was living in a board house? A Yes, sir, in what they sometimes called a Yankee frame.
Q Was that the main house on the farm? A No, sir.
Q Who lived in the principal house on the place? A Gibsons.
Q That was the owner of the land? A Yes, sir.
Q How much of a farm did Gibson have there? A I think 120 acres.
Q Did the old man have a team, old man Nathan? A Yes, sir, he had a team, I think he had two.
Q Were you ever in the house he lived in while he was living in it? A No, sir.
Q The old man was a preacher, wasn't he? A Yes, sir.
Q In the practice of his profession he went from place to place, didn't he? A I don't think he went around much.
Q Do you know anything about it? A I know he preached.
Q You don't know whether he went off and preached? A No, sir, I don't know.
Q Did you ever go up to the Gibson place to see what kind of crops they had? A Yes, sir, I have been around that way.
Q What kind of crops did the old man tend there? A I don't know, it was late in the season when we come home.
Q You don't know much about the crops? A No, sir.
Q That was in 1865? A Yes, sir.

Q Do you know anything about what he did in 1866? A He farmed on my father's place.
Q What was your father's name? A Jim Campbell.
Q Where is your father now? A He is dead.
Q How long has he been dead? A 10 or 15 years.
Q In what kind of a house did Nathan Duffin live on your father's place? A Log house.
Q Old or new one? A He built it, himself.
Q When? A In the fall of 1865, late in that winter.
Q Of 1865? A Yes, sir, I think he built it that winter.
Q How close was it to the principal house on the place? A About a quarter.
Q Were you in that house while Nathan lived there? A Yes, sir, I think so.
Q More than once? A I don't know how many times.
Q You are not positive? A No, sir.
Q Was it there where you said he had two boys and two girls? A Yes sir.
Q Would you know either one of them if you were to see them again? A I don't suppose I would.
Q How long has it been since you saw either of them? A I don't recollect seeing them since 1868, any except George.
Q When and where did you see George.? A He come to my house in Garnett.
Q When was that? A I don't know how long that has been; I don't recollect; quite a while ago, though.
Q How long did he stay at your house when he came? A Not but a little bit, few minutes.
Q Did you talk with him? A Yes, sir.
Q You are not positive as to how long ago that has been? A No, sir.
Q You say he cropped down there in 1866, built a house on your father's place in 1865? A Yes, sir.
Q Who cropped there? A Nathan Duffin.
Q Was he there all the time? A I couldn't tell you that; whether he was or not.
Q Was he there in 1867? A Yes, sir.
Q Was he there all the year of 1867? A I can't tell you; I was away five months.
Q Five months of 1867? you were not there? A Yes, sir, that was from July to December.
Q Where had you been living the fore part of 1867, there at home on that place? A Yes, sir.
Q What were you doing there then? A Farming.
Q What were you doing in January of 1867? A I don't know.
Q What were you doing in February of 1867? A I expect we were clearing land.
Q You haven't any definite recollection about that? A No, sir.
Q That has been a good while ago? A Yes, sir.
Q Just after the war? A Yes, sir.
Q You say that Mr. Nathan Duffin was there in 1868? A Yes, sir.
Q What time in 1868? A There till fall anyway; he raised his crop.
Q In what month in 1868 did he leave? A I don't know; I know he was there in 1868.
Q How do you know? A I worked for him.
Q What at? A Plowing corn.
Q You and he plowed corn together in 1868? A Yes, sir, right together.
Q What time of the year? A Long in June and July, not much in July, corn got too big.
Q You don't know what you were doing in January and February, 1867, only that you worked there on the farm? A That's all.

Q You knew Nathan Duffin raised a crop there in 1868, and left in the fall of 1868? A He left in the fall or the next spring.
Q Did his sons and daughters remain there after he left? A No, sir.
Q Did they all go away together in 1868? A Yes, sir.
Q You never saw them after that, except George at your place in Garnett once? A Yes, sir.
Q You don't know anything about them after they left there in 1868? A No, sir.
Q Coming back to the Gibson place, please state what direction from the main or principal house on the Gibson place was this little house in which Nathan Duffin lived? A It was pretty near west, as well as I can recollect.
Q How far from the principal house? A Two or three hundred yards.
Q Right west? A I think so.
Q Couldn't have been southwest? A I think they had a log house in the timber like, about half a miles, but I don't think the Duffins lived in that house; I think a man by the name of--- I don't remember his name-- he was a darkey, lived there.
Q You said while ago they lived in a little house, yanke frame? A There were two families lived on this Gibson place if I remember right.
Q One in a log house? A Yes, sir, that somebody lived in.
Q Duffins didn't live in that house?A I don't think so.
Q How far was this little yankee frame house from the loghouse in the bottom? A It was half a mile, I think
Q In what direction from the log house in the bottom was the yankee frame house in which they lived? A It was north.
Q Do you know who built that log house? A No, sir.
Q Are you sure that that log house was on the Gibson place? A Yes
Q Are you sure that this little frame house was on the Gibson place? A Yes, sir, I know it was.
Q And you know that the prinicpal house on that farm was also on what you call the Gibson place? A Yes, sir.
Q Then all three were on the Gibson place? A Yes, sir, there were three houses on it.
Q You speak about these parties having a lease there on your father's farm, are you positive about that? A I never seen the lease, but that was my understanding.
Q Isn't it a matter of fact that a man by the name of Mayfield had that lease? A Mayfield had a lease, too.
Q Isn't it a fact that they never had a lease on your father's place? I don't know that was my understanding.
Q Then you don't know of your own personal knowledge? A No, I know------
Q Isn't it a fact that they lived in a little room built up against the house that Mayfield lived in? A They lived in the log house, I think it was a double house.
Q Are you sure that the house you say they lived in was on your father's farm? A Yes, sir.
Q You are positive about that? A Yes, sir.
Q Are you positive that they lived on Gibson's farm at any time? A Yes, sir, I think they are the same people.
Q Isn't it a fact that it was Mayfield that lived on the Gibson farm and that the Duffins didn't live there at all? A I got them mixed if it wasn't them.
You don't know absolutely of your own knowledge, do you, Mr. Campbell? A That is my opinion.
Q But as to the fact you are not certain, are you? A I am pretty certain, yes, sir.

Q If it turns out that they never did live on it, you are mistaken, then? A I would be, yes, sir.
Q I ask you again if it wasn't the Mayfields that lived on the Gibson place and Duffins never lived there? A I don't think the Mayfields lived on the Gibson place.
Q But if they did you are mistaken? A Yes, sir, without they all lived there like they did down below.
Q Isn't it a fact that Mr. Mayfield took a lease on the Gibson place and there was no house at all on the Gibson place at all?
A Yes, sir, there was a house on the place.
Q You are sure of that? A Yes, sir.
Q Can't be mistaken? A No, sir.
Q What date was that? A 1865.
Q You are positive it was 1865 when you saw them what month was it?
A It must have been September.
Q Then it was the fall or winter of 1865? A Yes, sir.
Q And you are positive there were three houses on the Gibson place? at that time? A It may not havebeen at that time, but there were three houses.
Q How many houses at that time? A Three, Ithink, that is my recollection.
Q This log house, one frame house and the principal house? A Yes, sir.
Q What kind of a house was it? A Story and a half house; kitchen to it, facing the east, a shed kitchen.
Q Do you know what was the occasion of George Duffin's being at Garnett when you say you saw him? A No, sir.
Q Did you learn from him where he had been or was going? A I never asked him; I might have, but I don't recollect it.
Q Do you remember anything about his having gone to school at Baker University? A I believe he told me he had.
Q How long did you converse with him that day? A Not very long.
Q Do you remember what he said to you at that time? A No, sir, I don't remember what we talked about.

By Mr. Davenport:
Q Was George big enough for you to recognize him now if you should see him? A I wouldn't know him.
Q Has George had any conversation with you since you have been here this time? A No, sir.
Q You have been around here with him since yesterday? A Yes, sir, but I didn't know that was him for certain.

By. Mr. Blue:
Q Are you able to identify any of these people? A No, sir, not for certain; I think that is George.
Q But you don't pretend to say absolutely, that it is? A No, sir.

THOMAS FOSTER, being first duly sworn, testified as follows:

By Mr. Davenport:
Q What is your name? A Thomas Foster.
Q Where do you live? A Garnett, Kansas.
Q You are a citizen of the United States? A Yes, sir.
Q How long have you lived in Garnett? A Come there in 1865.
Q Did you know a gentleman by the name of Campbell at Garnett?
A Yes, sir.

Q Did you live with him? A Yes, sir.
Q What was his name? A J.Y. Campbell.
Q While you were living with him did you get acquainted with a family of colored people by the name of Duffin? A I did.
Q Do you know what year you got acquainted with them? A I think it was in the fall of 1866; either in the fall of 1866 or the spring of 1867, I think it was in 1866.
Q Where you were living at that time? A On Mr. Campbell's farm.
Q How many were there in family, if you know? A Must have been four or five, I don't know exactly.
Q Did you know the old gentleman's name? A I did.
Q What was it? A Nathan.
Q Did he have a wife at that time? A I think he did.
Q Did he have any children? A Yes, sir.
Q Did you know of the children's names? A No, sir, I douldn't say that I do.
Q Do you remember the sex of the children, whether boys or girls? A Part of them girls and part boys.
Q How long to your own knowledge did he continue to live on Mr. Campbell's place? A Two years.
Q What circumstances, if anything, cause you to remember that he remained there two years? A One of the was, I remember I very often used to go there and work there with the boys or folks on the same

Mr. Blue: Objected to as not responsive.
Commission: Objection noted.

place, and another, Nathan Duffin run a big protracted meeting right close to us, and I used to attend that in 1867.
Q Do you know what year they moved off of Mr. Campbell's place? A No, sir.
Q Do you know whether or not they were there during the crop year of 1867? A Yes, sir, they were.

By Mr. Blue:
Q Where do you reside now? A In Garnett, Kansas.
Q How long have you lived there? A Ever since 1885.
Q What is your business? A Laborer; I am in the ice business; have been for a year or two.
Q You mean you are the operator in the ice plant? A No, sir, we put up our own ice.
Q You are simply a laborer? A Yes, sir.
Q Were you a laborer when you knew these people on the farm? A I was.
Q Were you married then? A No, sir.
Q Are you now? A Yes, sir.
Q How old were you when you knew these people? A 13 or 14.
Q Where did your parents live then? A About three miles from there.
Q Was your father living there? A Yes, sir, but they were not living together. My mother lived on her stepmother's farm.
Q Are you any relation to John Foster? A No, sir.
Q Were you born in Anderson County? A No, sir.
Q Where were you born? A In Missouri.
Q What part? A In McDonald County.
Q How long did you remain in Missouri before you moved to Kansas? A About nine years.
Q Then you were nine years old when you came to Kansas? A Yes, sir.
Q Where did you come to in Kansas? A Leavenworth.
Q How long did you remain there? A About three years.
Q Then where did you go? A To Garnett, Kansas.

Q You mean you moved to the Station of Garnett? A No, sir.
Q How near to the Station? A About 2 1/2 or 3 miles.
Q Were you employed by Mr. Campbell to work for him? A I was born with them.
Q Bound by? A Yes, sir.
Q Did you stay there all the time then? A I was there; that was my home all the time.
Q Were you there nearly all the time? A Part of the time, maybe two or three months in the year, I was hired and would be about eight miles from there.
Q For Campbell? A Yes, sir.
Q That in Anderson County? A Yes, sir.
Q You say you were about 13 or 14 years old then? A I said I was in '67 or '8.
Q Which is it? A In 1867 I was 13 years old.
Q You were nine years old when you left McDonald County? A About that.
Q Was the war going on then? A Yes, sir.
Q And you went to Leavenworth and lived there three years? A Between two and three years.
Q Then you came from Leavenworth down to the vicinity of Garnett? A Yes, sir.
Q When were you born? A August 6, 1854.
Q And this was in 1866 you say that you saw them there? A I said in 1867.
Q The first time you saw them was in 1867? A As near as I can remember, yes, sir.
Q You didn't see them there in 1866? A I would not be positive that I did.
Q You saw them in 1867, at what time of the year? A During the whole year, from the spring to the fall.
Q Were they there in 1868? A Yes, sir.
Q Were they there in 1869? A I would not be positive; I don't know.
Q Were they there in 1870? A I don't know; I wasn't there, myself. I went to Chatauqua County.
Q When? A In 1870.
Q From what place? A Centralia City, about 10 miles from my home.
Q In Anderson County? A Yes, sir.
Q When did you leave Centralia Station for Chatauqua County? A In the spring of 1870.
Q What did you do in Chatauqua County.

Mr. Davenport: Objected to as immaterial, incompetent, and irrelevant.
Commission: Objection noted.

A I farmed.
Q For yourself or someone else? A Mr. Campbell.
Q The same Mr. Campbell you said you were bound to in Anderson County? A Yes, sir.
Q Were you still bound in Chatauqua County? A Yes, sir.
Q You say you knew Nathan Duffin? A Yes, sir.
Q Did you know his wife? A I knew her, I expect, but I don't know her name.
Q Were you ever in his cabin? A Yes, sir, I have eaten meals there.
Q Where was his cabin? A Right south of where we lived on the farm.
Q On Mr. Campbell's farm? A Yes, sir.

Q When did the Duffin's move to the Campbell's farm? A I am not positive whether it was 1866 or 1867.
Q Were you there? A I was.
Q Did you see them move in on the place? A I can't answer.
Q Do you know? A I don't.
Q You are not able to say that you saw them move there? A No, sir, I couldn't say that I saw them move there.
Q What family did Nathan Duffin have at that time? A It was four or five in the family.
Q Who were they? A I couldn't tell the names.
Q Do you remember the names of any of them? A No, sir.
Q Do you remember whether they were all boys or all girls? A Part boys and part girls.
Q How many girls? A I think two.
Q You don't know? A No, sir.
Q How many boys? A Two boys.
Q Are you positive about that? A Yes, sir.
Q Do you remember their names? A No, sir.
Q What was the business of Nathan Duffin? A Nathan, himself, farmed.
Q Did he have any other business? A He preached.
Q You say he held a meeting there? A Yes, sir, in our school house.
Q Campbell school house? A Yes, sir, some called it the Simon School house.
Q How long did that meeting last? A I think about a month.
Q You say you attended it? A Yes, sir, very regularly.
Q All the time? A No, sir.
Q Did Nathan Duffin preach there during that time? A He was the leader.
Q Any other preachers? A Yes, sir.
Q Do you remember any of them? A Yes, sir.
Q What were their names? A A white man by the name of Tolbridge.
Q Do you know where he is now? A I think in the penitentiary.
Q What makes you think he is in the penitentiary? A I heard he was and all the neighbors heard it.
Q Was there any other preachers there? A Not that I remember of.
Q You say you ate meals down there at Duffins, was ~~in their family~~ any other family living in any part of the house? A Yes, sir.
Q Who were they? A Mayfields.
Q White or colored? A Colored.
Q What kind of a house was it? A Double log house.
Q How many rooms? A Two rooms.
Q How much of a family did Mayfields have? AA I don't remember.
Q Did they all live there together? A Yes, sir, in separate rooms, two rooms to the house.
Q How are you able to distinguish between the families then? A I could tell them apart.
Q Did Mayfield have any family? A Yes, sir.
Q How much of a family? A I don't remember how many.
Q Did he have any boys? A I couldn't say.
Q Did he have any girls? A I couldn't say; he had girls or boys one or the other.
Q Do you remember what Mayfield's first name was.

Mr. Davenport: Objected to as incompetent and immaterial. We are not trying the Mayfield case.
Commission: Objection noted. Witness will answer.

A I don't know.
Q What was his wife's name? A I couldn't say which one of them was named Nicey, but one of them was.

J. M. Johnson, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A J. M. Johnson.
Q How old are you? A 53 years old.
Q What is your post office address? A Garnett, Anderson County, Kansas.
Q Do you know the applicants in this case, George B. Duffin and his brothers and sisters? A Yes, sir; I know the boys.
Q Have you testified in this case before? A I did in the Nathan Duffin case.

By Mr. Davenport:
Q When did you get acquainted with them? A They came to our county in 1863 or the early part of 1864.
Q When did they leave that County? A Sometime the latter part of 1869, or the early part of 1870, I think 1870.

By Mr. Blue:
Q How old are you? A 53 years old.
Q Are you Alex's oldest boy? A Yes, sir.
Q What is your business? A Abstract business.
Q You used to be a travelling man? A No, sir.
Q At no time? A No, sir.
Q When you say these people cam there how old were you? A I was 12 or 13 years old.
Q Did you ever visit the place where they lived? A Yes, sir.
Q Where did they live? A First at what was known as the Bales place, one mile from Garnett.
Q When was that? A In 1863 or '4.
Q Which one? A I don't know which, the latter part of 1863 or the early part of 1864.
Q Where did they next live? A On George Campbell's place, three miles southeast of Garnett.
Q How long did they live there? A Until Mr. Campbell sold the place in 1869, to Judge Spriggs.
Q Then where did they go? A I don't know.
Q What time in the year 1869 was the place sold? A Sometime in the fall.
Q What was Nathan Duffin's business? A Preacher and farmer.
Q Did he travel around and preach in different localities? Principally in that part of the country.
Q Was he off sometimes? A Yes, sir, sometimes.
Q How many members of his family? A I don't know any except George and Frank and the old gentleman and his wife.
Q That is all you know? A Yes, sir.
Q Were you ever at his place more than once? A Probably 20 or 30 times.
Q On which place? A Both.
Q Bales? A Yes, sir, and Campbell's.
Q The Bales place was near town? A Yes, sir.
Q How did you happen to go out in the country where they lived?
A They lived on a farm that joined my uncle's place, Gibson's.
Q Did they ever to your knowledge live on the Gibson place? A No, sir.
Q That's the way you saw them? A Yes, sir.
Q You didn't make a habit of visiting them? A No, sir, except down on the creek we boys would play together.
Q You were a boy yourself ? A Yes, sir.
Q Something of a boy yet aren't you? A Yes, sir, like yourself.

Q Now, as I understand you are not positive as to dates, you knew them in a general way? A There are two I remember; one when they came and the other when they left the Campbell's place.
Q What refreshes your recollection as to the time they came there?
A At the time they all came there.
Q When was that? A Some in 1863, some in 1864.
Q Some in 1862? A Not that I know of.
Q You mean the colored people from the Cherokee Nation? A Yes, sir.
Q These people never had any farm or abiding place of their own up there? A Not that I know of.
Q What they did do was to crop, as you said? A Yes, sir.
Q They didn't have any home of their own? A No, sir, they rented.
Q During the winter season especially didn't the old man travel around and hold revival meetings? A I don't know.
Q You don't pretend to say that you knew where they were all the time? A Not at all times of the year.
Q You don't make any prentention of that? A No, sir.

(Continued by agreement until July 28, 1904.)

July 28, 1904, Applicants appear in person and by attorney, R. W. Blue, and the Cherokee Nation by its attorney, James S. Davenport, and the following testimony introduced on behalf of the applicants:

MARIAH FRENCH, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Mariah French.
Q How old are you? A In my 49th years.
Q What is your postoffice address? A Lenapah.
Q Are you a Cherokee freedman? A No, sir.
Q State woman? A Yes, sir, only adopted.
Q Do you know the applicants in this case, George B. Duffin, et al?
A Yes, sir.
Q How long have you known them? A About 38 years .

By Mr. Blue:
Q Did you know Nathan Duffin in his lifetime? A Yes, sir.
Q When and where did you first see him? A First on Snow Creek.
Q In what Nation and Territory? A Cherokee Nation.
Q In what Territory? A In the Cherokee Nation, this country.
Q Indian Territory? A Yes, sir, not in the Creek Nation.
Q What is your father's name? A Stephen Little.
Q Has he been married more than once? A Yes, sir.
Q Are you a daughter of his? A Yes, sir, I was always teached that.
Q Are you a daughter of his by his present wife? A No, sir, my mother I don't know.
Q When did you first come to the Cherokee Nation? A We came here in 1866.
Q Who came with you? A My father and my stepmother, and three other children, one brother and three other men, eight persons in all of us.
Q From what place did you come to the Cherokee Nation? A We came from Leavenworth County here, Kansas.
Q When did you arrive at Snow Creek in the Cherokee Nation? A On the 15th day of April.
Q Of what year? A 1866.
Q Where has your father kept his home from that time until now?
A He has been there all but one year ever since we came here; one year he stayed in Newton County, Missouri.

Q When was that? A In 1874.
Q Did he have a home here while he was in Newton County, Missouri, in 1874? A No, sir, they had sold our home; the Cherokee Nation sold our home.
Q When did he return? A That same year in January; the first of the last of December.
Q Do you know whether or not your mother is on the freedmen roll, your stepmother? A No, sir, I don't.
Q Your father has been here only that short time he was away in 1874? A Yes, sir, ever since.
Q How did you happen to see Mr. Nathan Duffin at the time you say you did, did he come to your place where you were? A He came to our tent, we had no house then.
Q Did he come alone or with someone? A There was quite a bunch of men with him, seven or eight.
Q Do you know what was the occasion of their being there? A They were hunting horses they said were stolen.
Q Did you see him more than once at your father's place where he was stopping at that time? A Yes, sir.
Q How often did you see him about your father's place about that time? A I seen him once on Sunday, when he first come, and he went off and come back on a Tuesday.
Q Do you know what was the occasion of his coming back the second time? A He had stayed all night at a white man's house up the creek and the man wanted pay for his board, and he come back down there to get it.
Q Do you know whether or not he got it? A No, sir, I don't know.
Q Do you know either of the men that came with himat either of these times? A Yes, sir, but they are most all dead.
Q Who were they? A One was George Eaton, Lewis Beck, Sam Mosely, Santa Ann Nivens and Mose Smith thats dead, and old man Duffin, himself.
Q What was the business of Mr. Nathan Duffin, if you know in his lifetime, what occupation or profession did he have? A He was a preacher.
Q After you saw him there in 1866, as you stated, did you see him afterwards in the Cherokee Nation? A He preached for us all the time.
Q Did you have a church or place of worship thereabout? A We didn't have no churches; in the summer time we would have a large shed with brush on it; in the winter time he preached at peoples houses.
Q What, if anything, did he do in regard to establishing a home there in 1866 or '7? A After he got over there and got acquainted, I used to go to his house.
Q Were you at his house or cabin in 1866 or '7? A No, sir, not in 1866.
Q When were you first at his house? A After we had settled there, about '66, we had a school at our house, and the teacher would stay with us and they would come to school there, his children.
Q When did you first get acquainted with his children? A When they come to school.
Q That was in 1868? A Yes, sir.
Q What were the names of the children? A The oldest one was George Butler, and Joshua and Eliza and Sarah and Henry.
Q At the time Mr. Nathan Duffin came to your house in 1866, what, if anything, did you hear him say about establishing a home in the Cherokee Nation?

Mr. Davenport: Objected to as incompetent, irrelevant and immaterial, and pertaining to be a declaration in the interest of the applicant.

Commission: Objection noted.

A I never heard him say anything; he was living there.
Q Was he living in the Cherokee Nation in 1866 when you first saw him? A I guess he was; he come from over there.
Q What time was it when you first saw Mr. Nathan Duffin there in the Cherokee Nation? A We were in the tent and corn was waist high.
Q Do you remember what month it was in? A No, sir, I don't.
Q Was your father at home at that place where you had located, when Nathan Duffin came in 1866? A Yes, sir, he was there.
Q About what time in the day was it when the men that were in the party first came to your place? A It was away up in the day on Sunday and they wanted dinner.
Q Did they eat dinner there? A I helped cook dinner for them.
Q You are positive that that was in 1866? A Yes, sir, I am.

By Mr. Davenport:
Q How old are you? A I am 49; in my 50th year.
Q Where did you come from when you came to the Cherokee Nation?
Q From Leavenworth County, Kansas.
Q You hand't known the Duffin family before you claim the old man came to your place there on that Sunday? A No, sir.
Q How old were you then? A I was in my 14th year.
Q You are sure you were in your 14th year? A That is what they told me.
Q I am asking what you know? A I couldn't tell me age; it was set down.
Q Was that the way it was set down, that you didn't see him until you were 14? A I never came there, myself, until I was 14.
Q You never came to the Cherokee Nation until you were in your 14th year? A No, sir.
Q And you are in your 50th year now? A Yes, sir.
Q Are you an applicant to citizenship? A Only an adopted citizen.
Q How much land did you have in cultivation when Duffin and these men came? A We had little small patches.
Q About how much? A I don't know, may have been four acres or ten acres; small patches.
Q Who did you live near at that time? We didn't live near anyone; no one there to live by.
Q Who were the nearest people to the place you lived at the time Duffin came to your house, as you claim? A About seven or eight miles to Osage towns.
Q Were any of your family at that time claiming that they were freedmen of the Cherokee Nation? A My stepmother claimed to be a Cherokee freedman. That's what brought her here.
Q She had heard of the treaty and came back to the Cherokee Nation? A Yes, sir.
Q The treaty had been made and she heard that the freedmen by the treaty had got rights in the Cherokee Nation? A That is what she came home for.
Q Who else came with you at that time that were freedmen entitled to rights in the Cherokee Nation and came back to get the benefits of the treaty? A Wasn't any; a man belonged to the Creek Territory came, right in this town now.
Q You had been there, you say, and had a crop waist high or better before Duffin came? A Yes, sir, about waist high.
Q How long after he came was it, you say, until his family came?

Q I never seen Uncle Duffin's family at all until he brought the children over to school.
Q When was that with reference to the time you saw him? A In 1868.
Q How big was George Duffin at that time? A Good big boy, a young man.
Q The other children were good big children too, were they?
A Little small. Had a short dress, and Sarah had a short dress.
Q Did the school teacher board at your house? A Yes, sir.
Q Who was he? A Lowhe?
Q There is he now, do you know? A No, sir.
Q Is he living? A I don't know.
Q Is there one living now that was living when you saw Nathan Duffin first on Snow Creek, when you were livin there, as you claim?
A There was no ones there.
Q When he came down there, you say he came to see your father about getting some money to pay some fellow for staying all night?
A No, sir, I didn't say that.
Q Then what he came for what purpose? A He came back in a day or two afterwards.
Q A white man he stopped with? A Upon Pumpkin Creek he said.
Q Do you know who the white man was? A No, sir.
Q How far was Pumpkin Creek from Snow Creek? A I guess about 15 miles, or more.
Q Do you know anything about it? A No, sir, I don't.
Q They were hunting stolen horses the first time? A That is what they said.
Q Who was with Duffin? A George Eaton, Lewis Beck, George Meeks, Sam Mosely, Santa Ana Nivens and Rose Smith, is that they gave as their names.
Q You were a girl at that time 14 years old? A Yes, sir.
Q And you only saw this men there, yourself, one time? A Yes, sir.
Q And remember to-day the names of all of them in that crowd? A Yes, sir, because afterwards we were close neighbors and got acquainted and saw them all the time.
Q Can you remember another incident where you met the same number of people in 1866, where you can tell all the names of the parties that you saw? A Yes, sir, if necessary I guess I could tell it.
Q Name one? A They wasn't there to meet, and it was a rarity to meet anyone there.
Q In a year or two after that quite a number came, didn't they?
A They came before a year or two.
Q How many got in there and were living there when you saw Duffin's family in 1868? A They come pretty fast; there was Posey Gibson, Isaac Fox, Jake Ross, Joe Ross, Stick Ross and E. Ross, all come in one bunch at one time.

By Mr. Blue:
Q Do you know anything about your age at that time, except what had been told you by your parents? A No, sir.
Q You don't undertake to swear positively that you were 14 years old then? A Nothing only what they told me.
Q You might have been less or maybe more? A Yes, sir.

Mr. Davenport: Objected to as incompetent and suggesting the answer to the witness; she stated positively her age and said it was recorded.
Commission: Objection noted.

Q Are you positive as to your age? A No, sir, nothing more than my father told me.

Q When you state that you think you are in your 50th year now, you think it from your own knowledge or what your father told you? A I said it from what he told me; I have got it set down just as he told me.
Q Are you positive that you saw this man where your father was stopping in 1866, as you have stated? A I am sure I saw them.
Q Are you positive as to the time you saw them? A Yes, sir, I am positive as to the time I saw them.

By Mr. Davenport:
Q What portion of Snow Creek was this you located on? A It would be hard for me to tell you, unless I had a map.
Q Who were your first neighbors that come in there? A Amos Adair and Woodson Lowe and old uncle Ben Alberty.
Q And you are positive you were in your 14th year at the time you moved down to the Cherokee Nation? A I don't know; that is what my father told me.
Q He gave you the date you were born? A He said it.
Q Did he tell you what year you were born in? A No, sir, he didn't
Q You were big enough to remember when you moved to the Cherokee Nation? A We had just come there.
Q You can remember the coming? A Yes, sir.

STEPHEN LITTLE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Stephen Little.
Q How old are you? A 80 years old.
Q What is your post office address? A Lenepah.
Q Are you a Cherokee freedman? A I am not.
Q Are you the father of this woman who has just left the stand, Mariah French? A Yes, sir.

By Mr. Blue:
Q When did you first come to the Cherokee Nation? A In '66.
Q To what place in the Cherokee Nation did you come? A Snow Creek.
Q You went to where you reside now? A It is about six miles.
Q How long have you resided, all together, in that neighborhood?
A All the time ever since I come here; I aint been out of here not over six months at a time.
Q You mean out of the Cherokee Nation? A Yes, sir.
Q How did you happen to come in the first instance in 1866? A I had two instances that directed me here. Irving and Jackman, traders on the Sante Fe, they got me to come down here to take some cattle, 160 head of steers, at salt lick down here to winter them, and hired me to come down here to herd them the next spring, and Irving married my old mistress' daughter, and he owned me and got me to come down to take care of the cattle, and give me $80 a month, and said being as my wife had a right here, I could do better and grow up with the country.
Q In what business was this firm of Irving and Jackman? A They were traders to Sante Fe.
Q What do you mean by that? A They carried trains across every year, 100, 200 or 300 every year, wagon trains.
Q How were those wagons pulled? A By oxen.
Q Were these cattle that you brought down oxen they had used.
A Yes, sir, and brought them here to winter until the next spring when they got fat and put them on the market.

Q When spring came did they take the cattle away? A When I got down here on Pumpkin Creek, I met a young man, what I know well, with the cattle, and Jackman was out on salt lick. Jackman had sold the cattle at Salt Lick and Irving didn't know it and got me here to take care of them, and I met the cattle going north when I come, and I come down on Snow Creek and took a place.
Q Did you bring the cattle with you to Snow Creek? A No, sir, they were in there when I seen them; Jackman had sold them to another party.
Q When you came to Snow Creek what did you do in the way of making a home? A The first thing I done I put me up a camp, put a top on it and split logs and put up a side and covered it and put in about four acres of corn that Spring.
Q On what day of what month did you reach this place where you established a camp? A In April.
Q Of what year? A '66.
Q Do you remember what day of April, 1866? A I don't; it is too long off.
Q How long did you continue at that place where you established the camp? A Seven years.
Q During the time that you were at that place on Snow Creek in the Cherokee Nation did Nathan Duffin come to your camp: If so, state all the circumstances connected therewith. A Nathan Duffin didn't come there then; there was seven men come there on the hunt of some ~~xxxx~~ stolen horses off of Big Creek, they said; I didn't know there was a colored man in 40 miles of me, for I seen nothing but the Indian Osages, and the first thing I knowed on Sunday morning seven men rode right up there and said some horses had been stole off of Big Creek, and they went on up by Blackhawk town and, and they went on up in there and was gone until Tuesday; they went on up some creeks, higher up on the creek about the forks of Snow Creek and went on up to Big Hollow and near to where Cherryvale is----

By the Commission:
Q Were you with these men on this trip? A I wasn't with them, but they told me.
Q Then you don't know it of your own knowledge? A No, sir, only when they come back they had one horse and---
Q Just state what you know about it? A Well the next time I seen them Nathan Duffin come to my house and a man, John Lushboy, told him about me when he come to my house he wanted to get $10. for he stopped at a white man's house up there, and he thought he could stop and get up and go on, and the white man told him, "No." And he come to me and I got him $10 and I took his word of honor about paying it back.

By Mr. Blue:
Q When was that? A In '66.
Q What time in '66? A Something along, I know it was in June; the leaves were on the trees heavy.
Q Did you make any memorandum of any kind of the fact that you loaned him $10? A I didn't have to; I never would forget it; never will forget it till I die.
Q You know you loaned him $10 on that day? A Yes, sir, and he brought it back.
Q Who brought it back? A Lewis Beck.
Q When? A About three weeks, as well as I can recollect.
Q At that time, in June, 1866, did you have a crop there at that camp? A Yes, sir, had a crop there then.

Q When did you next see Nathan Duffin after you loeaned him the money? A I never had any acquaintance with him and never seen him any more until at the old Duffin place two or three years after that; I didn't know where he lived then or nothing about him.
Q In your conversation on that Tuesday, when you loaned him the money, did he say anything to you about his having a home in the Cherokee Nation? A He said he was going to be a neighbor, and said I should have the money agin if God spared his life, and in about three weeks he sent the money by Beck.
Q You say you didn't seehim any more until a year or two? A No, sir, the next time I seen him he had a house up and was breaking out.
Q When was that? A Two or three years after.
Q Was that house that you speak of on his old place? A Yes, sir.
Q What business did Nathan Duffin follow? A Preached and farmed.
Q In regard to his habits, whether he stayed at one place in the pursuit of his occupation, did he preach at one location or change about? A He preached here and on Big Creek and I don't know where else.
Q Do you know anything about his preaching in the states anywhere? A I didn't; I never had seen him until I loaned him hat money, but I heard of him.
Q Do you know whether or not he was a slave before the war? A I heard him say---

Mr. Davenport: We object to what he heard.
Commission: Objection noted.

Q State what you know? A I don't know whether he was or not.
Q Did you ever hear him preach? A Yes, sir.
Q Did you belong to his church? A No, sir, I don't belong to any Protestant church.
Q Did he have a church down there in the neighborhood where he resided? A Yes, sir.
Q Did you become acquainted with his family afterwards? A The boys and girls all went to school in my house.
Q Do you know them now, the boys and girls, when you see them? A I know them as well as I know my own.
Q Can you remember the names of those children? A Yes, sir.
Q What were their names? A Joshua, Butler, Sarah and Eliza.
Q Did Butler have any other name? A I never heard any.
Q Never heard him called George? A George Butler.
Q You call him Butler? A Yes, sir.
Q But his name is George Butler? A Yes, sir.
Q When was that that the children went to school at your house? A It was about, as well as I can recollect, about '73 or '4, somewheres along there, I aint sure, about '73.
Q Who was the teacher? A A man by the name of Lowhe.
Q Do you know where he is? A I don't know, I have heard them say he is out in Colorado.
Q You don't know? A No, sir, he is as old as I am; he may be dead.
Q Do you know Judge Keys? A Ask him.
Q When did you first get acquainted with him? A That was about; I expect, pretty near thirty years.
Q How soon after you came into the Cherokee Nation did you first become acquainted with Judge Keys? A Well, I think about the second election, I didn't get acquainted with him the first election.
Q When was that you got acquainted with him? A I think it was something about '67.

Q Have you known the Judge ever since then? A Yes, sir, ever since then, I have knowed him.
Q Do you remember the names of any of those men that first came to y your house inquiring about the horses in 1866? A I know two.
Q Who were they? A Santa Ann Nivens and Wils Towers.
Q In regard to the school at yourhouse, are you positive about the time when that school was going on at your house, might it not have been earlier than that? A I had built two more new houses; I had been there two or three years, anyway.
Q You mean that you had been at your house two or three years? A Yes, sir, I had built two rooms and give one for the schoold.
Q Then if you went there in 1866, it was 1868 or '9, that the school was there? A It might have been, I couldn't keep that exactly in my mind.
Q Were there any other children attended that school except yours and the Duffin children? A There were lots of them, they had 40.
Q 40 children altogether? A About 40.
Q How soon after you came there in 1866 did you begin to have neighbors there? A I had some neighbors there, Ben Liberty come that fall; Amos Adair come that fall, and Wilson Lowe.
Q What was the fact about others coming soon after that? A Lots of them come soon after that; I don't recollect; they kept on coming.
Q When the school was going on they used one of your buildings?
A Yes, sir.
Q You don't know exactly as to the time, whether it was 1868 or not?
A No, sir, I don't know exactly the time.

By Mr. Davenport:
Q Where were you, uncle, during the war? A During the war I was in the Cherokee Nation part of the time.
Q Were you anywhere else? A Yes, sir.
Q Where? A I was in Van Buren time of the xxxx fight at Prairie Grove
Q Where were you when the war closed? A I was in Leavenworth with, when the war closed, I helped shoot off the guns the salute of the President's death.
Q Where had you lived prior to the war? A In the State of Missouri.
Q You met your wife at Leavenworth during the war? A No, sir, I met her right in this Cherokee Nation on Drywood.
Q Where was that? A Seven miles this side of Fort Scott, in the Cherokee Nation.
Q How far this side of Fort Scott? A Seven miles.
Q In the Cherokee Nation? A Yes, sir.
Q When was that that you married her? A In '62, '61 caught us down here in the Cherokee Nation somewheres, and I told her I would not marry any woman a slave, and when I got xxx to the Kansas line I married her.
Q You married her within seven miles of Fort Scott, Kansas, then, on the Cherokee Nation side? A Yes, sir, on Drywood.
Q You remained there until after the war? A She remained there until after the war, xxx.yes, sir.
Q Then you met Irvin and Jackman and they wanted you to come here and herd some cattle for them? A Yes, sir.
Q And they told you your wife had a right? A Yes, sir, she always said she had a right here; I don't know.
Q Did Irvin and Jackman tell you that your wife had an interest in the Cherokee property and funds and did they tell you she ought to have it? A Yes, sir.
Q Then it was after the treaty was made that you had the talk with Irvin? A Yes, sir.
Q You came to the Cherokee Nation the first crop season after the treaty was made? A Yes, sir, '66.
Q Before or after the treaty? A It was after the treaty.
Q You came in the fall after the treaty was made? A Yes, sir.
Q You settled on Dry Creek? A Yes, sir.

Q You have been living in that community ever since? A Yes, sir.
Q When you came to the Cherokee Nation, you had a crop planted and it was nearly waist high before you had heard of Nathan Duffin, hadn't you? A Before I seen him, but I had heard of him.
Q He didn't come to your house until the crop was waist high or more did he? A He come there in June.
Q The same year you came in April? A Yes, sir.
Q Who came with you when you came to the Cherokee Nation, if anyone? A My son; there is a man here in town that come with him, Philip Caesar, and my brother, four of us come.
Q Did you bring your family at that time? A Yes, sir.
Q How did you travel? A I travelled in wagons, and come with Dock Bushyhead, and Dock Bushyhead's boys come together.
Q Was Snow Creek the first place that you settled when you come? A Never come in there.
Q What point on Snow Creek did you come to? A Right in the forks of the creeks, Verdigris and Snow Creek.
Q Near whose place now? A The nearest place to it now is Nelson Murrell's joins it.
Q What Cherokee or white man lives near you? A None.
Q Now, Uncle near whose place now? A I don't know; I aint been there in a good while.
Q You don't live there now? A No, sir, I live five or six miles below there.
Q You don't know who owns the place you first settled? A No, sir.
Q Does Nelson Murrell's family still live on the place he settled? A Yes, sir, he is dead.
Q It was several years after you came beforeyou had this school that you speak of? A Yes, sir, two or three years, I had built a double log house and let them have one room.
Q Who was the first Delaware you saw? I saw lots of them; couldn't remember the first.
Q Do you remember the names of any of them? A Old man Buckler, and John Jackson, Mrs. Goodtraveller and Mrs. Smith.
Q Do you know any of them that are alive now? A No, sir, they aint any of them living now hardly.
Q How far is Snow Creek from where it empties into the Verdigris river from Coffeyville? A Something like five miles below.
Q You don't know where the Duffin family came from to the Cherokee Nation? A No, sir.
Q You had heard of the old gentleman as being a preacher? A Yes, sir.

(Continued until 1 o'clock, P.M.

(One o'clock P.M., same appearances as this forenoon); Stephen Little on the stand.

By Mr. Davenport:
Q Who did you say came to your house the time you first saw Nathan Duffin? A I don't know as I recollect seeing anybody come.
Q Who came with him, if anyone, when you first saw him? A Lewis Beck, I think.
Q Anyone else? A No, sir.
Q Who was it that came to your house before, or came that was hunting those horses they claimed were stolen? A Santa Ann Nivens and Wils Towers.
Q Then you had seen Wilson Towers in the Cherokee Nation before you saw Nathan Duffin? A I had seen him time of the war was going on.
Q I said in the Cherokee Nation? A Yes, sir.

By Mr. Blue:

Q What day of the week was it that these men came to your house inquiring about the stolen horses? A On Sunday.
Q Then Nathan Duffin came theTuesday following that? A Yes, sir.
Q And that was the first time that you ever saw Nathan Duffin to know him? A Yes, sir, the first time I ever saw him I loaned him $10 to pay his expenses upon Pumpkin Creek to pay a night's lodging.
Q Do you mean by that that you saw him on Pumpkin Creek or to pay for the lodging on Pumpkin Creek? A He came to my house on Snow Creek.
Q To get money to pay for the lodging on Pumpkin Creek? A Yes, sir.
Q You say you were married to your present wife up at Drywood? A Yes, sir, way up there near to Fort Scott.
Q You spoke of that's being in the Cherokee Nation up there where you were married? A They called it the Cherokee Nation; I don't know.
Q Who called it the Cherokee Nation? A Them that belonged to the command said it was the line.
Q Do you know enough about that to know where the Kansas line is? A No sir, I don't know anything about that.
Q You don't then absolutely know whether it was in Kansas or in the Cherokee Nation, where you were married? A I don't know, but they all said Drywood was in the Cherokee Nation.
Q Who do you mean by all? A Everybody, the whole command said it was the Cherokee Nation.
Q What ommand were you with? A Col. Cloud's.
Q Did you talk with these men who had the cattle, yourself? A I talked with them myself and made the bargain myself.
Q Where were you at the time you made the bargain? A I was in Platt County, Missouri.
Q Was that before the close of the war or after? A After the close of the war.
Q How long after the close of the war? A It was the next spring? I kept the cattle for them that winter and the next spring he got me to come down here.
Q Do you know in what year the war closed? A I think I do.
Q What year? A In '65.
Q Then it was in the spring of 1866 that he got you to come down here? A Yes, sir.
Q Did you talk with both of these partners or one? A I only talked with Irving; Jackman was in Salt Lick.
Q Did you get these cattle in your possession to bring them out here? A Never got them in my possession; I come here to do so, but met them going north; Jackman had sold them.
Q Did this young man have the cattle driving them out? A Had them on the road, going up the whiskey trail, going to Leavenworth.
Q Now you are positive that it was the spring after the close of the war that you located at Snow Creek, as you stated? A Yes, sir; I come right down and met the cattle. I stopped at the trading post and inquired how far it was to the Cherokee Nation and they told me; I come down on Snow Creek and stopped Saturday night and Sunday I went over and took this place, the first place that was ever made on Snow Creek.
Q Do you know when the treaty was made between the Cherokee Nation and the United States in regard to the sharing of property with the Cherokees by the freedmen? A I don't know positive; Irving told me that I could come here and take care of his cattle; and then I would have some money, and said my wife had Cherokee blood and said how I could grow up with the country and become to be a man, and said they had so much edge over me, I couldn't do much there, and said I could grow up with the country down here and be worth something.

Q Is your wife a Cherokee by blood? A Her father is a half breed Cherokee? Q Come out of---I forget the family--- -Thompson.
Q Is your wife on any of the rolls of the Cherokee Nation? A On none of them; I went to Tahlequah when the first beginning of the Chambers court, and they told her she was doubtful.
Q And she never has been enrolled on any roll? A No, sir.

By Mr. Davenport:
Q Your mind is considerably clearer now than this morning isn't it? A I don't know.
Q You didn't know the year of many things this morning did you? A I don't know.
Q Haven't you talked during the noon hour with the witnesses in the case and all of you gone over the case together? A Me?
Q Yes, you? A I didn't talk with anybody in this case.
Q Haven't you talked with George B. Duffin and Mariah French during the noon hour about this case ? A No, sir.
Q Have you talked with anyone about when the war closed, during the noon hour? A No, sir, I told you to-day I was there.
Q Did you tell anybody in your examination this morning what year the war closed? A I didn't know it was asked me.
Q Did you tell anybody this morning how long you stayed in Missouri before you started to the Cherokee Nation? A No, sir.
Q Don't you now that you have talked with somebody since we adjourned at noon about how long you stayed there before you started to the Cherokee Nation? A I know I haven't.
Q You talked with Hackman and he told you to come back down here that your wife had rights here? A No, sir, not Jackman.
Q Well, Irving then? A I said this morning that Irving told me to come down here.
Q And you came upon his suggestion? A Yes, sir.
Q And you came after the treaty was made, didn't you? A I don't know exactly whether it was after the treaty or not, but he told me my wife would have rights in this country.
Q Didn't you answer me this morning in response to the question I asked you about coming before or after the treaty, and didn't you say you came after the treaty? A I don't know.
Q Have you a good memory? A Yes, sir.
Q Do you know whether or not you answered that question that way? A I don't know.
Q You say that the first time you ever saw Nathan Duffin you loaned him $10 to pay a night's lodging? A I did.
Q You don't know where he was living at the time? A I know where he said he was going to live.
Q You didn't know when he left whether your would ever see him again A I didn't, but I told him if he was a man as he said, I would get the money and he said I would get it.
Q You had your home built at that time? A No, sir, but I had a right smart money.
Q Where was your trading point at that time? A Lushboy is where we traded, then right on the line, not the Cherokees, but the Osages.

WASHINGTON BLACKBURN, being first duly sworn, testified as follows:

By Mr. Blue:
Q What is your name? A Washington Blackburn.
Q How old are you? A I am about 67 years old, or 68.
Q Where do you reside? A Anderson County, Kansas.
Q How long have you resided in Anderson County, Kansas? A I have resided there ever since in '70.
Q Did you know Nathan Duffin in his lifetime? A Yes, sir.

Q Where did you first meet him if you remember? A I first met him in Anderson County, Kansas.
Q Did you reside there at that time? A No, sir, I just went up there to meet the church.
Q Were you acquainted with him in 1866? A Yes, sir.
Q What was his business or occupation generally then? A Preacher.
Q Where was he preaching at that time, if you remember? A Down there in Lynn County, around Mound City, I stayed all night with him many a night; he preached at Rock Point, we call it, west of Mound city.
Q Did you ever talk with him at any time about having a home in the Cherokee Nation? A Yes, sir, we have both talked together about that.
Q What, if anything did he say to you about having a home in the Cherokee Nation?

Mr. Davenport: The representatives of the Cherokee Nation object to the question on the ground that it is incompetent, irrelevant and immaterial and an attempt made upon the part of the applicants to prove a declaration of a party through whom they claim their rights to citizenship, which would be a declaration in their own interest.

Commission: Objection noted; witness will answer.

A He was talking about it and said he was going back south where he come from and seek him a home, and I told him I was, too, and we talked about it, and said we will go right away, and I said I wasn't ready to go, and he said he was going soon, and I said I was going too after a while, and after that he went home, and I went up to his house, and he was gone; they said he had gone on down south to seek a home.
Q In what year was that? A In '66, in the same year in the Spring; this was in March when he was there preaching.
Q About when was it he told you he was going south to seek a home?
A Along early in the Spring of '66, along in March, in the Spring.
Q When were you over to his place after that? A I was over there, I don't know what month whether it was August or July; wasn't anybody home but the two boys, and they said the father had gone south.
Q What were the boys' names? A One was named, I can't call his name now.
Q Have you seen any of the boys since you come here to-day? A I seen one that I took to be him by his forehead.
Q Can't you think of his name? A Nathan, I think; I aint sure, I have a very poor recollection about calling names.
Q Is his name George? A (No response).
Q Do you remember the names of the children? A One was named George and if this is the one, I don't know.
Q Do you remember the names of any of the rest of them? A No, sir.
Q After he told you he was going south to seek a home in 1866, when did you next see Nathan Duffin? A Never saw him any more; when I went to his house, they said he was gone south, and I never saw him any more.
Q Did you know anything about the boys of the family being back up at Garnett or about there after that? A Yes, sir, I seed the boys up there, but I never saw Nathan, nor his girls after they left.
Q What were the boys doing up there about Garnett? A The first time I seed them after Nathan was gone, they were there on the farm at the Campbell's, and one I think was going to school after that.
Q Do you know where he went to school? A I don't know, up at Lawrence or somewhere.

Q How frequently did you see the boys up there about 1866? A I can't say that, because sometimes I wasn't there for two or three weeks or a month or two; I saw them a time or two after that.
Q What were they doing when you saw them? A The last I saw one of them was there seeing about going to school.
Q Do you remember when that was? A No, sir.
Q Before that time you say they were at work on Campbell's farm, what were they doing? A Working on the farm the old man had lived on.
Q Do you know anything about who had that farm leased or anything about that at that time? A No, sir, I don't know for certain whether it was the old man or the boys.
Q Did you know a man by the name of Mayfield at that time? A I ought to, he raised me.
Q Do you know whether or not he had it leased at that time? A He had that some way; I don't know the best of my acknowledgement Mayfield leased it in the first place.
Q You don't know much about the leasing business, anyway? A No, sir.
Q The boys were simply working there in the crop season? A Yes, sir.
Q Do you know what year that was they worked in the crop? A That was along in '68, I think it was, the last time, if I aint mistaken.
Q You don't remember about the years? A No, sir, it might have been the same fall of '66.

By Mr. Davenport:
Q Your post office is what? A Garnett, Kansas.
Q How far do you live from thie Campbell place that Nathan Duffin was living on when you first got acquainted with him? A It is not far, not over two miles.
Q How far did you live from the Campbell place at the time you got acquainted with him in 1866? A I lived in Lynn County then.
Q How far were you from there? A Must have been close on to 25 miles.
Q As I understand you Nathan Duffin was never at your house but one time in 1866? A I don't know; I didn't say he wasn't or was.
Q Was he there more than once in 1866, at your house in Lynn County?
A I couldn't say that he was there over once in '66.
Q Once then in 1866 when he was at your house he had a conversation with you in which he said he was coming back south to get a home?
A Yes, sir.
Q That was in March or the Spring of 1866, you say? A Yes, sir.
Q When did you next see Nathan Duffin after that time, if at all.
A I never saw him any more after that.
Q Had you ever been over to Garnett prior to the time you saw him there at your house in 1866? A Yes, sir.
Q Had you ever been to the Campbell, or Johnson's, place there near Garnett? A Yes, sir.
Q Had you ever been to Nathan Duffin's house before he came to your house in March, 1866? Yes, sir.
Q Then you went over, you say, in July or August, 1866, to the Duffin place and somebody told you Duffin had gone south? A They said he had gone.
Q That was in July or August, 1866? A Yes, sir.
Q His family at that time was living on the Campbell place, near Garnett, Kansas? A I saw the boys there.
Q Do you know whether or not he had a wife and daughters? A He had two.

Q You were acquainted with them? A Yes, sir.
Q Did you go to his house? A Yes, sir.
Q Can't you tell me whether or not the wife and daughters were there when you went there? A The last time I went they were not there.
Q Did the boys tell you where the wife and daughters were? A I asked them where was Nathan and they said he went south.
Q You are positive that that was in July or August, 1866? A Yes, sir.

Q Don't you know that George B. Duffin's testimony and all that have testified in his behalf don't claim that the mother and the daughters came south in 1866, with the father, but that Nathan Duffin came alone, so far as his individual family is concerned?

Mr. Blue: Objected to on the ground that it is nor proper cross examination, for the reason that it is assuming something in regard to this testimony which I don't understand to be true, and for the further reason that it is wholly incompetent, immaterial and irrelevant, and not proper cross-examination.
Commission: Objection noted; witness will answer.

A No, sir, I don't.
Q You don't know of your own knowledge when the family left Garnett, Kansas? A No, sir.
Q Do you know Thomas Foster, a man who was raised by old man Campbell that owned the place on which the Duffin's lived in 1866?
A I do.
Q Do you know George Campbell? A Yes, sir.
Q How long have you known them? A I have known them about as long as I have known any of them about Garnett; that is George, Tom I don't know.
Q Tom Foster, I am speaking of? A I don't know him personally.
Q Did you know Tom Foster's mother? A No, not to really know her.
Q Old man Campbell raised the two Foster boys, or they worked there for him a long time, didn't they, after the war?

Mr. Blue: Objected to for the reason that it is not proper cross-examination, is incompetent, immaterial and irrelevant and does not serve any purpose as testimony in this case.
Commission: Objection noted; witness will answer.

Q They might have been working for him, but to say I knew the boys, I don't.
Q When you went up to the Duffin home there in July or August, 1866, were they living then on the Campbell place? A Yes, sir, right on the Campbell place.
Q Was anyone living with them or in adjoining house? A There was somebody, but I don't recollect who.
Q I believe you say you were raised by Mayfield? A Yes, sir.
Q Didn't Mayfield live on the Campbell place when you went up there that time and saw them? A Yes, sir, went to live there.
Q Wasn't Mayfield living on the Campbell place in 1866, or at least the time that Duffin and his family lived there? A Yes, sir.
Q How far apart? A I don't know.
Q Were you ever at the Mayfield home? A Yes, sir,
Q Were you ever at the Duffin home? A Yes, sir.
Q Isn't it true that it was a double log house and that one family occupied one room of the house and the other family the other?
A That may be; I don't know.
Q You were there? A Yes, sir.

Q Were they living that way when you were there? A I don't recollect whether they were or not.
Q You don't recollect much about it, then? A Not many more than what I have said.
Q Which family moved away from the place first the Mayfield or the Duffin family? A I douldn't say.
Q Do you know of your own knowledge when either of the families moved off of the Campbell place? A No, sir, just to come to the date, I don't know.
Q The next thing you knew of them after you were up there this time in July or August, 1866, you saw one of the boys up there working on a farm? A Yes, sir.
Q And you saw one of them that you learned had been going to school? A Yes, after that.
Q That was several years after that, wasn't it? A I never kept no record; I don't know.
Q But you remember distinctly 1866? A Yes, sir.
Q Can't you remember another year as well as 1866? A I suppose I could.
Q What year was it then that you saw the boy up there when he said he had been going to school? A I don't know exactly; couldn't say.
Q How big a boy was he at that time? A A good sized boy.
Q Was it as late as 1868 or '9? A I would not be positive, I don't know.
Q You were not up to the Campbell place later than July or August, 1866? A No, sir, not to say a visit, I might have been.
Q You didn't help the old man Duffin hold a protracted meeting up there that fall? A No, sir, I think not; might have been.
Q How old were you at that time? A Don't know exactly; never knowed my age; people them times never give my age, how old I was.
Q Wasn't the Duffin boys up there at Garnett when the railroad was built in there? A Wasn't no railroad there when I seen them.
Q Weren't they living there when the railroad was built there? Not to my knowledge.
Q Were you at Garnett about that time? A I was at Garnett long before the railroad was.
Q Were youat Garnett when the railroad come there? A I was when they built the Missouri Pacific.
Q Is there another one there? A Two others there.
Q Which was the first road built in there? A I don't know exactly, but I think the M.K.& T. built there first.
Q Where were you living when the first railroad there built to Garnett, Kansas, the first railroad built there after the war? A I was living in Lynn County.
Q You hadn't moved up to Garnett? A No, sir, I think not.
Q When did you first find out that you were going to be a witness in this case? A I found it out yesterday about half past three, I think it was; I didn't know what the case was, nor nothing about it.
Q They didn't tell you what case they wanted you to testify in? A No, sir, just wanted me down here to testify in a case.
Q No one asked you what you knew about it? A No, sir.
Q And brought you from Kansas down here to testify without talking to you about it? A Never had no conversation about it.
Q Any with anyone? A No, sir.
Q How did they know what you were going to testify to? A I don't know.
Q They didn't ask that you would testify in any case? A All that was asked me, was I acquainted with Nathan Duffin, and I told him I ought to be; I waited 12 months for him to baptize me, and he come south and has never baptized me yet.

Q You never saw Nathan Duffin in the Cherokee Nation? A No, sir, I never.
Q Never saw any of his family before to-day in the Indian Territory, did you? A No, I wasn't particularly acquainted; I saw old man Nathan down preaching at the camp meeting when I was small.
Q When was that? A Before the war.

By Mr. Blue:
Q Are you a citizen of the Cherokee Nation? A I was born and raised here.
Q Were you taken out of here during the war? A Yes, sir.
Q Did you ever return to the Territory afterwards until now? A I came down, I think in, either in the fall of 1866 or 1867, down on Big Creek with old man Peter Ward and Joshua Ward, Abrham Ward and Peter Meigs.
Q Youare a citizen of Kansas now, are you not? A Yes, sir, been living there all the time.
Q You say you did hear the old man Nathan Duffin preach in the Territory when you were a boy? A Yes, sir.
Q Then after that when did you next hear him preach? A The next time after that I heard him preach in Mound City.
Q Lynn County, Kansas? A Yes, sir.
Q After he left you in Lynn County, as you stated, you never saw him any more? A Not after he was at my house and was talking about coming down here.
Q That was 1866 you saw him the last time? A Yes, sir.
Q Can you name the names of the roads that are now running into Garnett? A Missouri Pacific and the K. & D and the Southern Kansas, the first road that was built.
Q While ago you said the M. K. & T.? A Sometimes I call it that, but we call it the Southern Kansas.
Q Do you remember when the Missouri Pacific was built in there? A I couldn't say the year, but we worked on it.
Q Do you remember when the K N & D was built there? A I couldn't say what year it was in; I worked on it from Garnett to Topeka.
Q Which of the three was built last? A Topeka road.
Q K N & D? A Yes, sir.
Q The other you say is the Southern Kansas? A Yes, sir.
Q Used to be called the L L & G? A Yes, sir.
Q Do you remember when that road was built into Garnett? A No, sir, I don't remember exactly what year.

GEORGE E. DUFFIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A George E. Duffin.
Q How old are you? A About 51; I was born in 1851.
Q You are one of the applicants in this case? A Yes, sir.

By Mr. Blue:
Q When did you say you were born? A In 1851.
Q What is your business? A I am a farmer now; have been a minister.
Q In what church? A A M E Church.
Q Are you a son of Nathan Duffin? A Yes sir.
Q Who were your sisters and brother? A Sarah Moss, Eliza Keys and Joshua Duffin; Henry Thornton is our halfbrother.
Q He is not involved in this case? A No, sir.
Q Did you hear the testimony of Mr. Campbell and Mr. Foster and Johnson given in this case? A Yes, sir.

Q Have you read the testimony of the two Johnson's given in this case before? A Yes, sir.
Q I want you to tell the court all about the question of when Nathan Duffin, yourself, and when his family came to the Cherokee Nation after the war, and how long they remained here and any and all the facts connected with it? A In the Spring of 1866 he came down with a number------
Q Who came? A Father, Nathan Duffin, came down with a number of others to select a place and he left his family on this Campbell farm, where we were farming and I and brother made the crop that season and he came back after selecting a home and in the fall of 1866 sold his farm and came to the Territory.
Q You say he sold his farm? A I mean his potatoes, his corn, his produce, etc.
Q Where was that corn and produce situated? A On the Campbell farm.
Q In what place? A On Pottawotamie, I believe the creek is called, about two miles east of Garnett.
Q In what County and State? A Anderson County, Kansas.
Q After he sold out his interest in the crop there what did he do and what did the family do? A He loaded his wagons in the fall and came to the Cherokee Nation, Indian Territory.
Q Who came? A Father, Nathan Duffin.
Q Who of the family came? A All of the family; father, mother, and the four children, two boys and two girls.
Q Did any other family or person come with him that time other than the family? A No, sir.
Q When did Nathan Duffin and his family reach the Territory? A In November, fall of '66.
Q What did Nathan Duffin and his family do at that time? A He selected his home and went to building as soon as possible.
Q What had he done in the Spring, if anything, in the way of selecting a home? A He selected a home first on Grand river with the crowd he came with; then he was better informed that it would be a better life to live, better country for him to move out on the west of Grand River.
Q Where did he locate his home? A On Big Creek.
Q When did he locate it there? A In the fall of '66.
Q What did he and his family do after selecting his home there on Big Creek? A Went to diggingx around and are still there yet.
Q Have any of his family or he ever had any other home than that? A No, sir.
Q Is he living now? A No, sir, he is dead.
Q Where did he die? A On Big Creek, in the home we live in.
Q The same place he selected in 1866? A Yes, sir.
Q After selecting that place and digging around there what did you do in the way of putting up a house? A We went to work and built a log house and put some logs on it and went to work.
Q Did you build and complete a house there? A We put up a double log house first and didn't finish covering but one.
Q Did you finally finish that house? A Yes, sir, and covered it the second time with boards and rips.
Q Do you know George W. Lynch, Wash Lynch? A Yes, sir.
Q Did you hear him testify in this case? A Yes, sir.
Q Do you remember of his having come to your father's house on Big Creek, as he stated? A Yes, sir.

Q Do you remember when that was? A I am not positive, but to the best of my memory it was the following spring, him and Art Williams; the reason I remember him Art Williams is the man that was selected as a delegate to go with father to Washington on freedmen business, and it was Lynch and Williams that come there that day.

Q Do you remember what month it was in that they came there? A I think it was in February.

Q How long had Nathan Duffin and his family been living at that place when Wash Lynch came there? A We built it in the fall and the following spring they came there.

Q Do you mean to say by that that you built it in November and were there in February when they came there? A Yes, sir.

Q After Nathan Duffin and his family moved down there did either of the girls return to Kansas any more? A No, sir.

Q Where have they resided since that time? A At home until they married and aint been anywhere yet; Sarah Moss lives on her place and Eliza Keys lives close to the old place.

Q In what Territory or Nation? A Cherokee Nation, Indian Territory.

Q Have either of the girls ever resided out of the Cherokee Nation anywhere? A No, sir.

Q Since they came here in November, 1866? A No, sir.

Q How about the boys, what was their course in regard to living in the Territory after Nathan Duffin and his family located on Big Creek, as you stated? A After we got located, of course everything to live on was scarce and we lived around, and I and my brother went back up to Kansas where we had lived and worked there, and worked with our teams and come back home.

Q Where were you on the 28th day of June, 1898? A All at home on Big Creek.

Q How long had you been at home there, you and your brothers and sisters, on the 28th day of June, 1898, without having been out of the Territory? A I really couldn't say, the girls had never been out; of course, myself, I tavelled and preached a good deal about up in Kansas and went to school up there two years.

Q While you were travelling and preaching and going to school did you have a home in the Cherokee Nation? A Yes, sir.

Q How about your brother Joshua? A He had his home here.

Q During all this time since November, 1866, did either your brothers or yourself ever vote in any of the states? A No, sir.

Q Or ever exercise any rights of citizenship in the states? A No, sir, I wasn't old enough.

Q Did either you or your brother or the girls ever have a home in any of the states? A No, sir.

Q Have either of them ever had a home anywhere else than the Cherokee Nation at any time? A No, sir.

Q Where were you at school? A Baker University.

Q What county in Kansas? A Douglas County.

Q What city? A Balwin.

Q How long were you at school? A Entered in '82 and left in '84.

Q During that time did you return to the Cherokee Nation? A Yes, sir, every commencement.

Q During that time you kept your home in the Cherokee Nation?

A Yes, sir, had a farm in the Cherokee Nation on the Verdigris River, at the mouth of Possum Creek.

Q For what purpose did you and your brother go back into Kansas after you came here in 1866? A We went back to work and to get provisions to help our family to live; our horses got stolen the following spring after we came down, and we had nothing to make a living with, and we had to work out and help father make a living for the family.

Q As between the Cherokee Nation at that time and Kansas, which was the better place to find work and get good wages? A In Kansas, there was nothing here to do, nothing here but wolves and deers and we had no guns to kill them with.
Q Did you have any other purpose for going back there, expept to make money for the family? A That is all, except to go to school.
Q How long was the longest time that either of you were in Kansas at one time after you located in the Cherokee Nation in November, 1866? A The longest period that I think any of the family ever stayed there was about nine months; I would stay during school and come home.
Q When you were working what was the longest period of time any of you remained up there after November, 1866? A I would stay a couple of months sometimes and sometimes 2 1/2 months, I don't think we exceeded two or three months at any time.

By Mr. Davenport:
Q How old were you when the war closed, George? A I don't know; we didn't know anything then.
Q Do you know anything now? A Yes, sir.
Q How old are you now? A 51.
Q How long has the war been closed? A It has been closed about-----
Q 39 years, hasn't it? A It closed in '65.
Q Hasn't that been about 39 years? A I expect so.
Q You have testified once or more times before in this case, haven't you? A Yes, sir, ever since the Wallace court.
Q Did you mention before the fact of your going up there for better wages? A When I was asked I did.
Q You were represented by counsel then when you gave testimony, were you? A Before this court?
Q Yes, before this present Commission? A I don't know really, I think Smith and Mellette made the representation to some extent.
Q You were living near Garnett, Kansas, when the war closed? A I think we were living right in about 2 1/2 miles of Garnett at the time of Price's raid; we were living near Garnett, Kansas, when the war closed.
Q Are you the oldest one of the children? A No, sir.
Q Which is the oldest? A Brother Henry and Joshua.
Q On whose farm were you living when the war closed? A We were living on what was known as the Rumley farm.
Q How far from the Campbell place? A About four miles.
Q What year did you move on the Campbell place? A Immediately after Price's raid; it was in '65.
Q How many crops did you make on the Campbell place? A One.
Q You moved there in 1865? A We left the Rumley place immediately after Price's raid in '65.
Q What crop year was it you made a crop on the Campbell place?
A '66.
Q Your father or some of the members of the family had a lease on t the Campbell place? A No, sir.
Q Who was it had that lease? A Thomas Mayfield.
Q Mayfield lived on the Campbell place, too, didn't he? A Yes, sir.
Q In adjoining houses to your father? A Yes, sir.
Q Did you know Tom Foster that old man Campbell was raising at that time? A Yes, sir.
Q Did you know his mother? A No, I wasn't well acquainted with his mother.
Q You have seen her, A Yes, we always called Campbell's wife his mother.

Q But you knew he had a mother that lived near there? A Yes, sir, but I wasn't acquainted with her.
Q Didn't you see her? A No, sir.
Q Do you remember when she got married? A No, sir, didn't know she was.
Q You saw Tom Foster here the other day? A Yes, sir.
Q And George Campbell? A Yes, sir.
Q And heard them testify? A Yes, sir.
Q Col. Blue asked you if you heard them testify and you answered, "Yes , sir?" A Yes, sir.
Q You heard Ann Sanders testify the other day in your behalf? A No Ann Sanders testified for me.
Q Was it Nan? A No woman at all to my knowledge testified in our case when we were here before; Lynch did, but no woman didn't.
Q You wasn't here then when she testified? A I was here when they had her on the stand, but not in our case.
Q You heard her testify, didn't you? A I know she was here, but I don't think I heard her testify.
Q When was it your father came to the Cherokee Nation after the war to locate this farm of his? A In '66.
Q When your father came? A Yes, sir.
Q Was it in the Spring he came to locate the place? A In the Spring he made his first trip.
Q Did he come in the Spring of 1866 for the purpose of locating him a farm in the Cherokee Nation? A Yes, sir.
Q Was that the time you say he located a farm for himself and family on Grand River? A Yes, sir.
Q Then I understand you to say that your father came to the Cherokee Nation in the Spring of 1866 for the purpose of locating him a farm as a freedman citizen of the Cherokee Nation? A Yes, sir, that is the way you understood me.
Q And that he went back, and later in the year of 1866, he moved his family down? A Yes, sir.
Q Who were with him on that first trip? A I couldn't remember; Thomas Mayfield was one, and my brother Henry, the second visit you mean?
Q Yes, sir? A Thomas Mayfield, brother Henry, and I don't remember.
Q Wilson Towers was along? A No, sir.
Q When did he come with him? A He didn't come with us.
Q Do you know whether or not you were in the Cherokee Nation at the time that your father came down and went over to old man Steve Little's and borrowed $10 to pay for a night's lodging to a white man out there? A Yes, sir, I was right up here on Big Creek.
Q What year was that? A It was in the following, it was '66, the following spring after we settled the place.
Q Tell me the year; I wasn't asking anything about the spring and fall? A I guess that must have been in the early spring ~~xxxx~~ about in '67, I am not very positive, but it was the following spring that our horses were stolen, because they stole one of my mares.
Q Then old man Little is mistaken when he says it was in the summer and corn was waist high when they come there, is he? A He testified that corn was waist high, but I don't know how high corn was; it was planted I know, we had planted and we were quite late in getting our corn in.
Q Had you seen Wilson Towers at that time in the Cherokee Nation that your ~~xxxxxxxxx~~ father borrowed the $10? A I never saw him; the crowd come there and went in search of the horses; I am told he was in the bunch; Sim Jones and Sam Mosely, rather mean as--- and these which; I wouldn't go on to state any more.

Q Where was Santa Ann Givens? A I believe he was there; I aint positive.
Q As I understand you, George, then, old man Little and the parties who testified this morning to your father's coming to his house in the summer of 1866 to get his horses to pay a night's lodging, are mistaken as to the year? A It was the following spring that our horses were stolen; they must have been mistaken, because it was the following spring, he came in the fall and the following spring our horses were stolen.
Q Is it true or not true as testified by old man Little in your behalf this morning that when your father came there and got the $10 to pay his board that he was there for the purpose of locating a home ix and that he was going back to move his family down? A He didn't have to move us here; we were located already on the creek; it was on Big Creek that our horses were stolen.
Q What creek did you locate on first in the Cherokee Nation? A Big creek.
Q No place else? A No place.
Q Who was living on Big Creek, if anyone, when you, your father, brothers and sisters came to the Cherokee Nation? A There wasn't no Indians; the Delawares came after we settled the place; the Fullleaf town was half a mile below us on the Creek. The nearest colored family that lived near us was Andy Daugherty and on further down about six miles Samuel Webber and this Samuel and Wilson Towers and old man Caesar Smith and several others I haven't time to call.
Q Did Wilson Towers live there on the creek when you moved to the Cherokee Nation? A Yes, sir, west from the old man Webber's place.
Q He came then before you and your father and family came? A They were there when we came.
Q How long after you settled did the Delawares come? A It must have been a little over a year.
Q Had you made a crop in the meantime? A Yes, sir.
Q Was of the Delawares first moved into your neighborhood? A Old man Fullleaf is the only man I know.
Q Were there any others? A Yes, sir, quite a town of them.
Q How long did they live there near you? A Perhaps a years; quite a bit.
Q Can't you think of anyone else but Fullleaf? A Yes, sir, his boys.
Q What were their names? A George.
Q The old man is dead, himself, isn't he? A Yes, sir, and George, too.
Q You think of no living Delaware that come there after you did? A No, sir, I don't know them, I guess they are all dead? x The old man and boys, sir.
Q How about white men? A Hasn't any there when we came.
Q Well, the colored people? A I have told you all there was there
Q You are positive that Wilson Towers was living there on the creek when your father came to the Cherokee Nation? A They were all there.
Q Do you know W. Johnson? A Yes, sir.
Q You read his testimony as to his and your people lived there at Garnett? A Yes, sir.
Q He is a citizen of Anderson County, Kansas? A Yes, sir.
Q A white man? A Yes, sir.
Q He has occupied several positions there in the county, hasn't he, since the war? A I don't know; I don't know the Johnson's very well.
Q Do you know George Campbell who testified in this case? A Yes, sir

Q And Tom Foster? A Yes, sir, Johnson knows me a little better than I know him.
Q He seems to know you quite well? A Says he does, but he don't.
Q Have you made any effort to get any of these white people around Garnett, Kansas, where you lived at the close of the war, to testify in your behalf? A No, sir.
Q Have you called on any of them to ascertain from them the date that your father and family left Garnett? A No, sir.
Q The last crop that you claim you made, then, was made in the year 1866 on the Campbell place? A Yes, sir.
Q How long did you leave Garnett before the railroad was built, in there? A There was no railroad there when I left as I remember, I don't remember.
Q Is it true or not true that you and your brothers helped haul ties for the construction of that road? A It is untrue; there was no railroad there.
Q Then Mr. Johnson is mistaken when he swears that you and your brother hauled cross-ties by his house most every day while the construction of the road was going on? A Yes, sir, he is mistaken.
Q Was there any colored people that you knew lived near Garnett, Kansas, in 1866? A Yes, sir.
Q Do you know whether there are any of them living? A There was the Bean family, our nearest neighbors; Thomas Mayfield lives on Grand River.
Q Were there none of the state raised people there? A No, sir, I believe there were no state raised niggers living near there; they were all Injun niggers; I was just going to give you a number of them; there was Sandy Bean-----
Q Where is he living now? A He is dead; his boys are living.
Q Who are his boys? A Joe Bean, Tobe, Arthur, Jake, there was the Adams', Joe Adams; he came on down here.
Q Where is he now? A Dead; Cag Adams, he is living there now.
Q In Garnett? A I suppose he is.
Q You haven't even seen him? A Didn't have to.
Q You didn't much want to go there without police, did you?
A Didn't think I had to.
Q You did go up there to another town 25 or 30 miles away to get a fellow to swear what your father told him? A No, sir.
Q Didn't you send for this man? A No, sir, some of the family did.
Q You knew it? A No, sir; you fellows sent for them.
Q We sent to the place where you lived to get them? A Yes, sir.

Q And we didn't try to get fellows who were on the doubtful or straight cards, either? A I don't know.
Q Don't you know that the Cherokee Nation went to men who were non-citizens and who had never lived in the Cherokee Nation and who had no interest one way or the other in the result of the cases? Yes, after they come I knew it.

By Mr. Blue:
Q As a matter of fact, George, neither you nor your associates in this case went to a town 25 miles away to get a witness, did they? A No, sir.
Q Mr. Blackburn, who has been offered here as a witness, lives at Garnett, doesn't he? A Yes, sir.
Q And he has come from Garnett here to-day or yesterday? A Yes, sir
Q Coming back to the date when you came down to the Cherokee Nation, that was-----

Mr. Davenport: We object to going over that again and again,
Commission: I think that point has been gone over thoroughly.
Mr. Blue: They have mislead him, and I think we ought to go over it again.
Commission: Proceed.

Q When did you first come back to the Cherokee Nation? A In the fall of '66, we moved.
Q When did your father start from up there to come back here? A In the ~~xxxxxx~~ Spring of '66.
Q Now, do you know whether or not at that time your father and those that were with him lost some horses? A At the time they returned back.
Q When he first came down here in 1866 to make his first selection do you know whether ~~xxxxxx~~ they lost any horses at that time or not? A No, sir, I don't know.
Q Did you hear the testimony of this old gentleman, Steve Little?
A Yes, sir.
Q Did you hear what he said about the date when your father first came to his house? A Yes, sir.
Q Do you remember what he said as to when he loaned him that money?
A Yes, sir, he said it was in the Spring of '66, to my best recollection.
Q You think it was in the spring of 1867? A I think it was, because we came here in the fall of '66, and our horses were not stolen until the following spring,, and it must have been '67.
Q What, if anything, do you know of your own personal knowledge about Mr. Little's making him a loan of money? A I know that father sent the money back, but I forget by who, and he told the family that he borrowed $10 to assist him in the search for the horses, and I know he sent it back to Mr. Littles, I didn't know who it was, but afterwards I formed an ~~xxxxxx~~ acquaintance with him.
Q Were you there when the money was borrowed? A No, sir, I was at home then.
Q Then you were not present at all when he went to Mr. Little's and got the money? A No, sir.
Q Don't claim to have been? A No, sir.
Q And what you know about that loan is what your father said about his starting money back to Mr. Little? A Yes, sir, that is all.
Q You think it was in 1867? A Yes, sir, that is my best recollection; I think the old man made a misteke.
Q But you do know that your father and his family were in the Cherokee Nation at their home in November, 1866? A Yes, sir.
Q And that home has been there ever since? A Yes, sir.

Q You spoke of W. A. Johnson, do you know whether he is living now?
A I heard he was dead.
Q Do you know what his profession was? A No, I don't know, but I heard.
Q Wasn't he a lawyer? A Yes, sir, we always called him lawyer Johnson.
Q To your knowledge did he ever visit your father's home at any time while he lived in Kansas? A No, sir, not as I know of.
Q To your knowledge did he have any acquaintanceship with your father in Kansas? A I know more of him through father than anyone else.

Q Did you boys and girls have any acquaintance with him? A No, sir.
Q Were you and Joshua up in Kansas in 1870, at any time, at work there at anything, or either or you? A Yes, we worked around there in '70 and was back up there working so much I really couldn't tell, but I know that I and my brother were working up there in Kansas when the L L & G made its first arrival in Garnett.
Q Is that the road that they called the Southern Kansas afterwards? A I suppose, we always known it to be the L L & T; it may be called the Southern Kansas.
Q Did you or your brother, or both of you, haul cross ties at any time for any railroad? A No, sir, never hauled a tie in Kansas in my life.
Q During the time that you worked, as you stated, up there, did you work any on crops of corn for farmers? A Yes, sir, we cut up corn some years, and done anything we could get hold of; I remember we cut up corn for people.
Q Did you work together up there or separately? A Sometimes together and sometimes we didn't; I always wanted to be with brother, because I was younger, and when we could get jobs together we went together.
Q You thought about this work proposition before you were cross-examined, hadn't you? A I had, yes, sir.

By Mr. Davenport:

Q What year was it you and your brother were back in Kansas at work? A It was from the time we came back, from the Spring of '66 until we could do better; I couldn't say specially---
Q What kind of work? A Anything we could get to do.
Q Can't you tell me anything ? A We cut corn?
Q For whom did you cut corn? A I can't remember; it has been a good while ago.
Q Can't you remember a single man you cut corn for before or after you come to the Cherokee Nation, if you cut at all? A I cut for Gibson.
Q How far did Gibson live from Garnett, Kansas? A Adjoining farm to the Campbell farm.
Q Who else did you work for and what kind of work did you do? A I wouldn't go to work and tell you every man and what kind; it has been so long.
Q You remember everything you did in 1866? A Yes, sir.
Q Then why can't you tell about some other year? A I can't say that I am able to tell every man I worked for; I didn't make any memorandum.
Q Did you make any memorandum of the year 1866? A I did not. I guess you all know Dr. Miller.
Q I didn't. A He was a man that came around through Kansas and was telling freedmen that there was a treaty made and if they would come back at once they would get homes, and would enjoy the same privileges and immunities as Cherokees; father was preaching and travelling and came home and told him he believed he would take his family and go back to the Nation, that he had seen Dr. Miller in Fort Scott and he said that if he would go back he would get rights the same as Cherokees.
Q Don't you know that you have testified in the last half hour that your father came to the Cherokee Nation in the Spring of 1866, for the purpose of locating him a farm and getting him a home? A Yes, sir.

Q Don't you know that that was months before the treaty was made, giving freedmen rights in the Cherokee Nation? A I don't know; I know he came back in the spring of '66, and if he got here before the treaty was made he got here too soon.
Q Don't you know he didn't say anything about coming back to get a home in the Spring of 1866? A Of course he did.

By Mr. Blue:
Q You do know, as a matter of fact, George, that your father, Nathan Duffin, with him family, all come to the Cherokee Nation and located in November, 1866? A Yes, sir.

Mr. Blue: Applicants close their testimony up to this time, so far as I know; if there is other evidence to be introduced, I want the privilege of cross-examination and rebuttal.

Commission: It has been the custom of the Commission to introduce in these cases, the testimony in other cases, that throw any light upon the facts.

Mr. Blue: What I want to save in this case is my right to object to the introduction of the records in any other case, on the ground that it is incompetent, immaterial, irrelevant, denies to the applicant the right to cross-examine the witnesses who have testified in these cases, and precludes him from an opportunity to rebut the testimony of the witnesses offered in said case or cases. And if said testimony, records or decisions in said cases are tendered and admitted, I then desire to offer a motion to strike from the record and testimony in this case all of said records, testimony and evidence in said case or cases admitted, for the reasons s t forth in the objection to their admission, and if said testimony, decisions and records in other cases are admitted the counsel for applicants then demand the right to cross-examine the witnesses who have testified against them and to rebut any testimony, evidence, documents or decisions so admitted against them.

Mr. Davenport: The representatives of the Cherokee Nation, in view of the fact that the testimony of George B. Duffin shows that Wilson Towers was on Big Creek when he and his father's family returned to the Cherokee Nation, desire that the Commission make reference to the case of Wilson Towers, which was formerly F.D. 466, but now F.R. 276, that reference be had to same in making up the decision in this case.

Mr. Blue: To which counsel for the applicants in this case enters the objection, as stated above, he desired to offered to the introduction of this character of testimony, and in addition thereto objects because the decision and the testimony upon which it is based is incompetent, irrelevant and immaterial and is an attenpt to impeach the testimony of George B. Duffin without having called to his attention the testimony he had given in said case, or that any other witnesses in said Towers case had given in opposition to his testimony in this case, and counsel for applicants, if said decision and testimony in said Towers-case is admitted by the Commission, moves for the same reasons and objections above given, to strike said decision and the testimony therein offered herein, from the record of this application, and if said motion is overruled by the Commission and said decision and testimony is considered herein, then Counsel for the applicants requests that opportunity be give to cross examine the witnesses in said case whose testimony affects the testimony of George Duffin herein, and that the said George Duffin have opportunity to rebut the testimony of said witnesses whose testimony is used herein for the purpose of impeaching and affecting the testimony of George B. Duffin.

Commission: The statement, motions and objections of the counsel in this case will be noted and made a part of the record herein, and this case is now considered closed. The applicants' attorney will be given 15 days in which to file argument in this case, a copy of which they will be required to furnish the attorneys for the Cherokee Nation.

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H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) H. M. Vance.

Subscribed and sworn to before me this the 4th day of August, 1904.

(Signed) WM.T. Martin, Jr.

Notary Public.

(SWL)

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Edith L. Morey, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L. Morey

Subscribed and sworn to before me this 1st day of September, 1904.

J. B. Campbell

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George B. Duffin et al., for enrollment as Cherokee Freedmen, consolidating the applications of

George B. Duffin----------Cherokee Freedmen D 505,
Sarah Moss et al.----------Cherokee Freedmen D 506,
Eliza Keys----------Cherokee Freedmen D 507,
Joshua Duffin----------Cherokee Freedmen D 509,
Frank Duffin----------Cherokee Freedmen R 109,
George N. Moss----------Cherokee Freedmen D 510.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George B. Duffin, for himself; by Sarah Moss, for herself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss; by Eliza Keys, for herself; by Joshua Duffin, for himself and minor son, Frank Duffin; and by George N. Moss, for himself.

The evidence shows that the applicants, George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin, were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867.

The evidence further shows that the applicant, Frank Duffin, has been born since 1866 and is the son of and claims right to enrollment through the said Joshua Duffin; that all the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Sarah Moss.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight L. Moss, Willie Moss, Eliza Keys, Joshua Duffin,

Frank Duffin and George N. Moss, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 25, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this JUL 10 1900

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George B. Duffin et al. as Cherokee Freedmen, consolidating the applications of:

George B. Duffin,	Cherokee	Freedmen	D 505,
Sarah Moss, et al.	"	"	D 506,
Eliza Keys,	"	"	D 507,
Joshua Duffin,	"	"	D 509,
Frank Duffin,	"	"	R 109,
George Nathan Moss,	"	"	D 510.

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D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to this Commission by George B. Duffin for himself; by Sarah Moss for herself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight Lyman and Willie Moss; by Eliza Keys for herself; by Joshua Duffin for himself and minor child, Frank Duffin; and by George Nathan Moss for himself. The record further shows that on July 10, 1903, the Commission rendered its decision herein denying said applicants the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded to the Department; that thereafter, on May 20, 1904 (Departmental letter I. T. D. 222-04), this case was remanded by the Department for further testimony, and on July 16 and 28, 1904, supplemental testimony in the matter of said applications was taken at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin, claim the right to enrollment as Cherokee freedmen by virtue of their compliance with the treaty stipulations of 1866, and that the other applicants herein claim the right to enrollment as Cherokee freedmen as descendants of the said applicants, Sarah Moss and Joshua Duffin.

GEORGE B. DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am forty-nine years old and am the son of Nathan and Frances Duffin, both deceased. I and my mother, before the war, belonged to Dr. John Thornton, a Cherokee citizen, and I was taken to Fort Scott, Kansas, during the rebellion, and with my father and his family returned to the Cherokee Nation and located on Big Creek, in November, 1866, and have since continuously lived in said Nation. We came from near Garnett, Anderson County, Kansas, and upon our arrival in the Cherokee Nation, found Andy Daugherty and Daniel and Mike Sanders and Sam Webber living on Big Creek; they had some little patches broken out, from which they had gathered the crops for that year.

Said applicant being recalled and further examined by the Commission, testified as follows: When I can first remember I was living in Goingsnake District, Cherokee Nation, about six miles from Dutchtown. I remember distinctly when I was taken from the Cherokee Nation to Kansas, and since my return to the Cherokee Nation I have been out occasionally in the different states, as a minister, and spent two years at school at Baker University (Kansas).

SARAH MOSS appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of her application for enrollment as a Cherokee freedman testified as follows: I am forty-three years old, and am the wife of Richard Moss, a non-citizen of the Cherokee Nation who is the father of my children, all of whom were born in the Cherokee Nation since 1866. I am a sister of the applicant, George B. Duffin, and the daughter of Nathan and Frances Duffin, both deceased. I and my mother were the slaves of one Dr. John Thornton, a Cherokee citizen. I returned to the Cherokee Nation after the war with my father, brothers and sisters, and have since continuously lived in said Nation.

ELIZA KEYS appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of her application for enrollment as a Cherokee freedman, testified as follows: I am forty years old, and am the daughter of Nathan Duffin and Fannie Thornton (Frances Duffin), and the sister of the applicants, George B. and Joshua Duffin and Sarah Moss. I was taken to Kansas during the war, and have continuously lived in the Cherokee Nation since I returned thereto after the rebellion.

JOSHUA DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am about forty-nine or fifty years old. I was the slave of Dr. John Thornton before the war, went to Fort Scott, Kansas, during said war, and returned to the Cherokee Nation some time during the

summer of '66, with my sister Sarah (Moss) and brother George (Duffin). The minor applicant, Frank Duffin, is my illegitimate son, and is sixteen or seventeen years old. (Cherokee Freedman Enrollment card No. R 109 shows that Annice Johnson, deceased, mother of the said Frank Duffin, was a non-citizen of the Cherokee Nation). I remember when we returned to the Cherokee Nation after the war, it was in July or August, and Mr. Webber and Towers and myself all had their corn laid by when we arrived. I have never been in Kansas longer than two weeks at a time since I removed to the Cherokee Nation after the rebellion.

GEORGE WASHINGTON DUFFIN appeared before the commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am twenty-two years old, and am the son of one Richard Moss, non-citizen, and the applicant herein, Sarah Moss.

GEORGE W. DUFFIN appeared before the Commission at Muskogee, Indian Territory, on July 23, 1904, and in support of his application for enrollment as a Cherokee freedman further testified as follows: After we came to the Cherokee Nation in November, '66, and got settled, myself and brother went back to Kansas with our teams and worked. Wilson Towers and family were living on Big Creek when we came there in 1866. Myself and brother went back to Kansas in the spring of '66 ('67) and worked until we could do better, but don't know just when that was.

ALLEN LYNCH, ELIZA HICKS, MOSES RILEY, SAM WEBBER, GEORGE W. LYNCH, SARAH FRENCH, ST PETER LITTLE AND WASHINGTON LAMBERT, testified at different times and places on behalf of the applicants herein, but with the exception of Moses Riley, Sam Webber and George W. Lynch, none of said witnesses gave any material testimony tending to show that the applicants, George W. and Joshua Duffin, Sarah Moss and Eliza Keys, were in the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867.

MOSES RILEY testified as follows: I am fifty-one years old and have known the applicant, George W. Duffin very near all my life. Saw him in Kansas during the war, and again in the Cherokee Nation just before Christmas in '66. I was just a boy when I saw said applicant in '66, and lived about thirty miles from him.

SAM WEBBER testified as follows: I am fifty-eight years old and have known the applicant, Sarah Moss, ever since her father, Nathan Duffin, brought his wife and two boys, George and Joshua, and two girls, Eliza and Sarah Duffin, to the Cherokee Nation and located on Big Creek, just before Christmas, 1866.

GEORGE W. LYNCH testified as follows: I was born in December, 1852. I know the applicants, George W. Duffin, Sarah

Moss, Eliza Keys, Joshua Duffin and George Nathan Moss. I knew Nathan Duffin and first saw him and his family in the Cherokee Nation on Big Creek, about February 1, 1867, when, one morning I and Art Williams happened by Nathan Duffin's place and stopped for breakfast. I, at that time, was on my way to Fort Leavenworth to join the army.

L. A. JOHNSON, J. L. JOHNSON, GEORGE CAMPBELL AND THOMAS PORTER, on behalf of the Cherokee Nation, testified at different times and places in this case, and identify the applicants George B. and Joshua Duffin, Sarah Moss, nee Duffin, and Eliza Keys, nee Duffin, as having continuously lived near Garnett, Anderson County, Kansas, during the first three years subsequent to the close of the rebellion.

Excepting the Wallace and Kern-Clifton rolls, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

In connection with parts of the testimony set out below, together with the status and credibility of some of the witnesses who testify in this case, attention is called to certain facts which the records of the Commission show to exist, and with which the Commission is thoroughly familiar:

George B. Duffin, applicant, testifies positively that upon his family's removal to the Cherokee Nation after the rebellion Daniel and Mike Sanders and Sam Webber were living on Big Creek, and had patches broken out, from which they had gathered the crops for that year; also, that Wilson Towers was living on Big Creek at that time. The advance guard of the Webber-Sanders detachment of freedmen, after the rebellion first came from Kansas to the Big Creek country, Cherokee Nation, about August, 1866, remained a few weeks, during which time they selected their locations and did some work on their houses, and then returned to Kansas. They again visited the Cherokee Nation in December, 1866, remained a few days, during which time they did some more work on their houses and then returned to Kansas, and during the months of March and April, 1867, said colony of freedmen, with their families, arrived and permanently located in the Cherokee Nation, consequently, the first crops they raised in the Cherokee Nation after the rebellion was during the year 1867. In C. F. D. 466 (now R 276), the Commission has heretofore found that the said Wilson Towers did not remove from Kansas to the Cherokee Nation until the year 1868, and on April 25, 1904 (Departmental letter 2304-04), its finding was approved by the Department.

In re witness Moses Riley: The testimony in C.F.D 256 shows beyond little doubt that the said Moses Riley did not return to the Cherokee Nation until the fall of 1867. In C. F.D. 265 the Commission has heretofore found that Emma Purtle, who is a full sister of the said Moses Riley, and who was taken from the Cherokee Nation during the rebellion and returned thereto after said rebellion with her brother, Moses Riley, did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department.

In re witness Sam Webber: The Commission does not hesitate to say that the testimony of this witness is wholly unreliable and worthy of no credit whatever. There is on record with this Commission evidence filed in numerous freedman cases, which shows conclusively that the said Sam Webber did not, after the rebellion, live in the Cherokee Nation prior to the spring of 1867.

In re testimony of George . Lynch: This witness testified that he was born in December, 1852, and about February 1, 1867, was on his way to join the United States army, and later in the spring of the same year joined the army at Fort Leavenworth, Kansas, and was discharged in the year 1872. This testimony seems somewhat remarkable in view of the fact that on February 1, 1867 the witness must have been less than two months past his fourteenth year, and for enlistment in the United States army at that time the age limits were eighteen and forty-five years.

The testimony of W. A. Johnson, J. . Johnson, George Campbell and Thomas Foster, witnesses on behalf of the Cherokee Nation, who appear to be intelligent, disinterested, and unbiased, and who connect the matters of which they testify with events in their own experience that would naturally impress the dates upon their minds, is, on the whole, consistent, and shows beyond little doubt that the applicants, George B. and Joshua Duffin, Sarah Moss and Eliza Keys, were living near Garnett, Anderson County, Kansas, during the years 1866, 1867, and 1868.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the applicants, George B. Duffin, Joshua Duffin Sarah Moss, and Eliza Keys, were the slaves of a Cherokee citizen before the rebellion. (The evidence does not affirmatively show that the said applicants were the slaves of a Cherokee citizen at the commencement of the rebellion, although it does strongly indicate that they were); that they were taken from the Cherokee Nation during said rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al. for the return of Cherokee freedmen to said nation; and that the applicants, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight Lyman, Willie and George Nathan Moss, and Frank Duffin, were born since 1866, are descendants of the applicants, Sarah Moss and Joshua Duffin, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight Lyman Moss, Willie Moss.

Eliza Keys, Joshua Duffin, Frank Duffin and George Nathan Moss, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495) , and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 1 6 1905

Muskogee, Indian Territory, 9-15-1904.

To the Commission to the Five Civilized Tribes;

Muskogee, Indian Territory.

Gentlemen,-

It having been stipulated and agreed by and between the attorneys for the Cherokee Nation and the attorneys for the following named applicants for enrollment on the Cherokee Roll, to-wit:-

George B. Duffin,	Cherokee	Freedman,	D505,
Eliza Keys	"	"	D507,
Sarah Moss et.al.,	"	"	D506,
Joshua Duffin,	"	"	D509,
Frank Duffin,	"	"	D109,
George W. Moss,	"	"	D510,

That the time heretofore given the attorneys for said applicants in which to file a brief and argument in support of the claims of said applicants for enrollment on the Cherokee Roll may be extended to October 15th., 1904; and that the attorneys for the Cherokee Nation may file with and make a part of the evidence in this case certified copies of any public records whatsoever,

Wherefore, we, the said attorneys respectfully ask the Commission to with-hold its decision in said cases until such time as said brief, argument and certified copies are filed, provided that such papers be filed on or before October 15th., 1904.

Bell Hosking & Dermont by J.S.D.
Attorneys for the Cherokee Nation.

Blue Bridges
Attorneys for Applicants.

7 D 505

In Re
Application for
a continuance
in case of
George B. Duffin
et al 7 D 505

RECEIVED
JUN 13 1904
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

F.D. No. 505 .

In The Matter of the Application of
George B.Duffin et al, applicants for enrollment as freedmen citizens of the Cherokee Nation.

MOTION FOR CONTINUANE.

Comes now W.W.Hastings, Attorney for the Cherokee Nation, and respectfully represents to the Commission that , because of high water and irregular train and mail service, the notice of the Commission dated, June 4th 1904,, at Muskogee, Indian Territory, that additional testimony would be heard in the above case on June 18th 1904, was not received by the under-signed attorney for the Cherokee Nation until June 9th, 1904, which is too late for the Cherokee Nation to prepare additional testimony in said case for the reason that rain has continued to fall almost continuously since that time, the train and mail service is still uncertain and witnesses cannot now be hunted up and brought to Muskogee on said date and for the reasons hereinabove assigned a continuance is respectfully asked of the Commission until some later date convenient to the Commission and the parties hereto notified of said time.

Respectfully Submitted.

UNITED STATES OF AMERICA,
NORTHERN DISTRICT, SS.
INDIAN TERRITORY.

W.W.Hastings
Attorney for the Cherokee Nation

W.W.Hastings being first duly sworn states that he is one of the Attorneys for the Cherokee Nation ,that the facts set forth in the above motion are true and that said continuance is not asked for delay but in order that justice might be done.

W.W.Hastings

Subscribed and sworn to before me this 11th day of June 1904.

Guy S. Reed
Notary Public.

My Com.Exp. 4/30/07

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Geo B. Duffin for enrollment as a Cherokee Freedman.

No. F. D. 3051

Steve Clark, of lawful age, being duly sworn on oath states that on the 20th day of September, A. D., 1901, he registered to Geo B. Duffin whose postoffice is Vinita Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 28th day of September, 1901, he received the return card which is hereto attached, signed by the said Geo B Duffin, showing that he had received said notice.

Steve Clark

Subscribed and sworn to before me on this the 28th day of Sept A. D. 1901.

[illegible]
Notary Public.

F.R. 5001

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
2 1901

A... CHAIRMAN.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testi= mony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secre= tary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. George B. Duffin,
Vinar, I. T.
Cherokee, F-D-505.
Register.

C 710505

Vinita Indian Territory, Aug 1904

Received of the Commission to the Five Civilized Tribes one copy of the testimony in 505

Robert Clark
Attorney for Applicant

C FD 505

Vinita Indian Territory, Aug 1907

Received of the Commission to the Five Civilized Tribes one copy of the testimony in D 505

Robert Clark
Attorney for Applicant

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 5 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Vinita I.T.

District Coo

1. Name George B. Dulfin Age 50

Owner's name Wm Dulfin Citizenship Cherokee

Year 1896 Page 187 No. 4486 District Coo

Parents:

Father Nathan Dulfin - dead Citizenship Cherokee

Mother Frances " " Citizenship " "

2. Name of wife Age

Citizenship

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Not Stenographer J. J. Cosier

Not on Roll as Geo. B. Dulfin

Name Mentioned P 110 No 2345, Coo Dist

Cherokee Freedmen
D-505.

Muskogee, Indian Territory, July 23, 1903.

George B. Duffin,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of George B. Duffin, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorneys, Mellette & Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Register.

Enc. H-55.

Cherokee Freedmen
D-505, D-506, D-507,
D-509, R-109, D-510.

Muskogee, Indian Territory, July 25, 1903.

Mellette & Smith,
Attorneys for George B. Duffin, et al.,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony in the consolidated case of George B. Duffin, et al., together with a copy of the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L., and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George E. Moss, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the same, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Register.
Enc. R-60.

Cherokee Freedmen
D-505, D-506, D-507,
D-509, D-109, D-510.

Muskogee, Indian Territory, July 23, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of George B. Duffin, et al., rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George N. Moss, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Madden

Commissioner in Charge.

Register.

Enc. M-61.

Cherokee Freedmen
D-505, D-506, D-507,
D-509, R-109, D-510.

Muskogee, Indian Territory, July 23, 1903.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George B. Duffin, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George H. Moss, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. H-62.

COPY.

Muskogee, Indian Territory, October 8, 1903.

Sarah Moss,

Kinnison, Indian Territory.

Dear Madam:

In accordance with your request of September 18, there are herewith enclosed copies of testimony in Cherokee Freedmen D 505, 506, 507, 509 and 510. There are also enclosed receipts for same, which you are requested to sign and returned to the Commission.

Respectfully,

Tams Dixby.

Enc. D-52.

Chairman.

-Copy-

Refer in reply to the following:

Land. 47049-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan. 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for the consideration of the Department, a record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of George B. Duffin, for the enrollment of himself; of Sarah Moss for the enrollment of herself and her minor children, Julia, Sanford Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss; of Eliza Keys for the enrollment of herself; of Joshua Duffin, for the enrollment of himself and his minor son, Frank Duffin, and of George N. Moss for the enrollment of himself - all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicants George B. Duffin, Sarah Moss, Eliza Keyes and Joshua Duffin were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867; that the applicant, Frank Duffin has been born since 1866, is the son of and claims right to enrollment through the said Joshua Duffin; that all the

other applicants have been born since 1866, and are descendants of and claim right to enrollment through the said Sarah Moss.

The Commission further says in said decision, that none of the names of the applicants herein is found on the 1880 authenticated roll of the Cherokee Nation, and by reason of this fact and said findings, the Commission is of the opinion that the enrollment of these applicants should be denied under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495).

I have examined the testimony submitted in behalf of these applicants, and also that submitted on behalf of the Cherokee Nation, and I am not satisfied that said opinion of the Commission was fully warranted by said testimony. The applicant, George R. Duffin, gives a very straight forward statement as to his birth, or rather his whereabouts from his earliest recollection, and standing alone, his evidence makes out his case. His testimony is supported by the testimony of the witness, Allen Lynch. The witness Filmore Hicks, also substantiates the claim of said applicant, to the effect that applicant's father was in the Cherokee Nation in 1866, but the Commission shows that the statements of this witness cannot very well be relied upon. The next witness in behalf of said applicant is Moses Riley, who also testified that the applicant's father returned to the Cherokee Nation along about 1866. The said applicant is then re-called, after which the Nation calls two witnesses; viz: W. A. Johnson and J. M. Johnson, who both testify that they have resided at Garnett, Kansas, since 1858 or 9; that they knew

Nathan Diffin, the father of said George B. Duffin, and also knew his family, and they further testify that the said Nathan Duffin and his family resided at or near, Garnett, Kansas, in the year 1870. They fix this date by reason of the fact that the Santa Fe Railroad then the L.L.& G. was built at that time, and it is claimed by these witnesses, that said applicant and his brother were then hauling ties for said railroad. These two witnesses submit the only evidence that appears of record which shows that the claim of these applicants is not true.

It occurs to me that the Commission should have at least confronted the applicants with the facts testified to by the Johnsons, and had said testimony either admitted or denied by them. If, as a matter of fact, these applicants never returned to the Cherokee Nation until 1870, or later, it occurs to me that there ought to be several persons yet living in the Cherokee Nation who could testify that Nathan Duffin and his family did not reside on Big Creek in the Cherokee Nation at the place and at the time they claim to have resided there before 1870. It further appears from the testimony, which is not denied, that the applicant George B. Duffin has voted in the Cherokee Nation and has held permits therein. It is claimed by him and not denied that he was the slave of a Cherokee citizen and was taken out of the Cherokee Nation when a child, by the United States troops. It may be that the Johnsons are very credible witnesses and that their statements are entitled to great weight, but I hestitate to recommend that the

applications of all these parties be denied solely upon the testimony of two persons residing in the State of Kansas, who undertake to give definite information relative to a colored family whom they do not appear to have seen for more than thirty years. Then, too, a close analysis of their testimony shows that they do not claim to have any definite knowledge of the whereabouts of these people from 1866 to 1870. The applicants themselves testify that they have worked at divers times in Kansas, and the testimony of the Johnsons might be true and yet these parties entitled to enrollment as Cherokee Freedmen citizens of the Cherokee Nation. These applicants make this claim and substantiate it in a large degree, and is possible I consider that the Cherokee Nation should positively show that their claim is not a valid one. The amount involved in a case like this is such that the issue raised should not be passed over lightly. If all of these applicants are entitled to enrollment, as Cherokee Freedmen citizens of the Cherokee Nation, it is a matter of very great importance to them to be so enrolled, and if on the other hand they are seeking to perpetrate a fraud on said Nation and secure valuable rights to which they are not entitled it is very important that the Nation show conclusively, that their claim is fraudulent, and the question should not be left in doubt in any way if there is evidence obtainable that will show conclusively either that the parties are entitled to enrollment or that their enrollment should be denied.

The decision of the Commission in this case throws no light upon the testimony. They saw the witnesses and heard them testify, but I find nothing in the decision as to the credibility of the different witnesses.

By reason of all the above facts, I consider that in justice to both the applicants and the Cherokee Nation, this case should be remanded to the Commission for a further hearing and opinion along the lines indicated in this review of the case.

Very respectfully,

(Signed) W. A Jones,

Commissioner.

A.C.T.

W.C.B.

L.

D.C. 17603-1904.

I.T.D. 222-1904.

L R S

W C F

J.P.

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DEPARTMENT OF THE INTERIOR,

WASHINGTON. May 20, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 23, 1903, you transmitted the record of proceedings had in the consolidated case of George B. Duffin, et al., including your decision of July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George N. Moss, as Cherokee Freedmen.

It appears that George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin were slaves of Cherokee citizens at the commencement of the rebellion; that the other applicants were born since 1866, and are descendants of Joshua Duffin or Sarah Moss. You state in your decision that during the rebellion these applicants left the Cherokee Nation and did not return thereto untilafter January 19, 1867.

Reporting in the matter January 11, 1904, the Commissioner of Indian Affairs takes the view that the evidence does not show clearly that the applicants did not return to the Cherokee Nation within the time provided by the Cherokee treaty of 1866, and

states that in justice to both the applicants and the Cherokee Nation the case should, in his opinion, be remanded to you for a further hearing, and an opinion from you as to the reliability of the evidence introduced.

The Department is of the opinion that further evidence should be secured, if possible, before the applicants' rights are finally adjudicated. The testimony submitted is therefore returned and it is desired that you secure, if possible, such further evidence as will more clearly show whether or not the applicants are entitled to enrollment. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary.

2 inclosures.

Cherokee Freedmen
D-505 et al.

Muskogee, Indian Territory, June 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys and George N. Moss.

In accordance with Departmental instuctions the principal applicants have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-16.

Cherokee Freedmen
D-505 et al.

Muskogee, Indian Territory, June 4, 1904.

Edgar Smith,
Attorney for George B. Duffin et al.,
Vinita, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys and George N. Moss.

In accordance with departmental instructions the principal applicants in this case have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment. The applicants have been requested to introduce

witnesses other than those heretofore introduced by them.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-15.

Cherokee Freedmen
D-505.

Muskogee, Indian Territory, June 4, 1904.

George B. Duffin,
Wimer, Indian Territory.

Dear Sir:

In the matter of the application for your enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting, among others, your said application.

In accordance with Departmental instructions you are advised that you will be allowed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of your claim. It is particularly desired that you offer testimony tending to show the date of your return to the Cherokee Nation after the close of the war. You are requested to introduce witnesses other than those heretofore introduced by you.

For your information there is herewith enclosed a copy of the Department's letter .

Respectfully,

Chairman.

Rnc. D-9.

Cherokee Freedmen
D-505-6-7-8-10
D-100

Muskogee, Indian Territory, August 13, 1904.

Blue & Clover,

Attorneys for George D. Duffin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of record of supplemental proceedings recently had in Cherokee Freedmen D-505, et al., George D. Duffinn, et al. There is also enclosed a blank form of receipt for said testimony, which you are requested to sign and return to the Commission.

Respectfully,

Encl. S-31.

Commissioner in Charge.

COPY.

Cherokee Freedmen

D-505.

Muskogee, Indian Territory, June 16, 1905.

George B. Duffin,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Dixby.
Chairman.

Incl. S-52
Register

Cherokee Freedmen

D-505, et al.

Muskogee, Indian Territory, June 16, 1905.

Blue & Bulger,

Attorneys for George B. Duffin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of George B. Duffin, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-69.
Register.

COPY.

Cherokee Freedmen

D-505, et al.

Muskogee, Indian Territory, June 16, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, rejecting the applications for the enrollment of George B. Duffin, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby

Chairman.

Incl. S-58.

Cherokee Freedmen
D-808, et al.

Muskogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of George B. Duffin, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, rejecting said applications.

On May 20, 1904, the Department remanded this case for further hearing and readjudication.

Respectfully,

Chairman.

Incl. 2-60.

Through the

Commissioner of Indian Affairs.

Land.
47225-1905.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

July 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by George B.Duffin for himself; by Sarah Moss for herself and her minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight, Lyman and Willie Moss; by Eliza Keys for herself; by Joshua Duffin for himself and his minor child, Frank Duffin; and by George Nathan Moss for himself.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that on July 10, 1903, the Commission rendered a decision denying the applicants enrollment; that thereafter, on May 20, 1904 (I.T.D.222-1904) the Department remanded the case for further testimony. The record further shows that the applicants, George B.Duffin, Joshua Duffin, Moss and Eliza Keys were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken

out of the Cherokee Nation during the war and that they did not return thereto on or before February 11, 1867; that the other applicants were born since 1866, are descendants of Sarah Moss and Joshua Duffin, and possess no rights to enrollment other than as such descendants.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. W. Larrabee

Acting Commissioner.

W.W.W.
W.

T.C.52116 COPY J.Y.Jr.

DEPARTMENT OF THE INTERIOR, LLB

I.T.D.8194-1905. WASHINGTON.
8525- " November 26, 1906.

TRS.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 11, 1905 (Land 47225), the Indian Office transmitted the record in the matter of the consolidated applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight Lyman Moss, Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin, and George Nathan Moss as Cherokee freedmen, including the decision of the Commission to the Five Civilized Tribes, adverse to the applicants.

The Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys ofor the applicants filed a motion for review of said decision.

There appears to be no proper reason for granting said motion and it is hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motion for review, have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 3 to Ind. Of.

Cherokee Freed.
D 505.

Muskogee, Indian Territory, December 5, 1906.

George B. Duffin,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of your case filed by your Attorneys September 7, 1905, denied.

Respectfully,

S.W.

Acting Commissioner.

Cherokee Freed.
D 505, et al.

Muskogee, Indian Territory, December 5, 1906.

Blue & Bulger,

Attorneys for George B. Duffin, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of George B. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and your motion for review of said case, filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.W-1.
S.W.

Acting Commissioner.

Cherokee Freed.
D 505, et al.

Muskogee, Indian Territory, December 5, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of George B. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of said case filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl.W-2.
S.W.

3.S.J

77019

Department of the Interior,
RECEIVED.
JAN 14 1904
Enc. No. X of No. 222
Indian Territory Division.

C-7-2505

CHEROKEE CASE No. 7255

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF THE

APPLICATION FOR ENROLLMENT

OF

George B. Duffin
Sarah Moss et al
Eliza Keys
Joshua Duffin
Frank "
George [illegible]

[illegible]

JUL 1900

[illegible] 1900

[illegible]

[illegible]

Acting [illegible]

Cher.Fr.R -910

Cher.Fr.R-910

Trans. from Cher.Fr.D 506

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 5th, 1901.

In the matter of the application of Sarah Moss for the enrollment of herself and eight children as Cherokee Freedmen; said Moss being sworn and examined by Commissioner T. M. Needles, testified as follows:

Q What is your name? A Sarah Moss.
Q What is your age? A 43.
Q What is your post office address? A Kinnison.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children? A Eight.
Q Are they all under 21 years years of age? A Yes, sir.
Q All unmarried? A Yes, sir.
Q Give me the names of your children? A Julia.
Q How old is Julia? A 19.
Q What is the name of the next child? A Sanford.
Q How old is Sanford? A 17.
Q The next child? A Howard.
Q How old is Howard? A 15 years old.
Q The next one? A Samantha.
Q How old is Samantha? A 13.
Q The next one? A Rutherford.
Q How old is Rutherford? A Ten.
Q The next one? A Elmira.
Q How old is Elmira? A Eight.
Q The next child? A Dwight Lyman.
Q How old is Dwight? A Six.
Q The next child? A Willie.
Q How old is Willie? A Four years old.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Richard Moss.
Q Is he a citizen? A No, sir.
Q Are these children that you have enumerated here all living at this time? A Yes, sir.
Q Are they all named Moss? A Yes, sir.
Q Is Richard your first husband? A Yes, sir.
Q You his first wife? A Yes, sir.
Q What relation are you to George F. Duffin? A Brother.
Q What is your father's name? A Nathan.
Q Is he living? A No, sir.
Q What was your mother's name? A Frances.

BY MR. SMITH, of Counsel for Applicant:

Q How old are you? A 43.
Q Were you a slave? A Yes, sir.
Q Did you belong to the same person your mother did?
A Yes, sir.
Q Who did you belong to? A Doctor John Thornton.
Q Was he a Cherokee? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Citizen here in the Cherokee Nation? A Yes, sir.
Q Where were you living at the time the Civil War closed?
Q I was living down here in Going Snake, that is what they told me.
Q Have you a sister? A Yes, sir.
Q What is your sister's name? A Eliza Keyes.
Q Is she older or younger than yourself? A She is younger.
Q How much younger? A About 17 months I guess, or two years.
Q Do you remember when you came back to the Cherokee Nation after the war? A Yes, sir, I remember some.
Q Who did you come back with? A I come bac with my father.

Q Well who else was along if anybody? A Wasn't anybody else but my brother and sister.
Q Well name then; state who they were; were they in your father's family? A At this tije my father and then me and my Brother, Joshua and my sister Eliza, and George.
Q What is her name now? A Eliza Keyes.
Q And yourself? A Yes, sir.
Q Well where have you been living since that time?
Q I have been living right on Big Creek.
Q Been living in the Cherokee Nation ever since?
A Yes, sir.
Q Are these children l iving with you? A Yes, sir.
Q Have they all lived in the Cherokee Nation?
A Yes, sir.
Q Born here? A Yes, sir.

BY W. W. HASTINGS:

Q Where were you married? A I was married on Big Creek.
Q Who married you? A Squire Elliott.
Q Colored man? A White man.
Q Was every one of these children born here? A Yes, sir every one of them.
Q You are positive about that? A Yes, sir, I am positive.
Q You come back with your brother George? A Yes, sir; I come with him.
Q You come right to the place your brother is living right there on Big Creek? A Yes, sir.
Q About eight miles from the Kansas line? A I suppose, but I don't know just how far.
Q Can you remember that trip? A I can remember something about it not everything.
Q Who were your nearest neighbors at that time? A There wasn't heardly anybody where we first moved.
Q Did you know William Noble? or Albert Morris? A Yes, sir, I got acquainted with him.
Q How far did they live from you? A Mr. Nobles I don't know where he lived, I didn't see Mr. Noble.
Q You didn't see him? A No, sir.
Q Did you know Albert Morris? A Yes, sir; I got acquainted with him when we was here a while.
Q About how long do you think? A I don't know, sir, about how long; I was small and didn't pay any attention to time. I remember seeing hi but don't know just when.
Q Did you see any of the Delawares up there at that time?
A I don't remember seeing any as I remember of.
Q What Cherokee citizens lived near when when you first come?
A There wasn't anybody living there at all, wasn't anyone living there; right in the bald prairie by outselfves.
Q How far from any colored houses? A About eight or ten miles from any colored houses.
Q Mr. Noble afterwards located near you? A Yes, sir; Mr. Brown located, a white man, first, I didn't know anything about Mr. Noble for a good while.

The 1880 authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 182, #4476, Sarah Moss, Cooweescoowee District.
Page 182, #4478, Julia Moss, Cooweescoowee District.
Page 182, #4479, Sanford Moss, Cooweescoowee District.
Page 182, #4480, Howard Moss, Cooweescoowee District.

Page 182, #4481, Samantha Moss, Cooweescoowee Diwstrict.
Page 182, #4482, Rutherford Moss, Cooweescoowee District.
Page 182, #4483, Emira Moss, Cooweescoowee District.
Page 182, #4484, Dwight Moss, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 131, #2750, Sarah E. Moses, Cooweescoowee District.
Page 131, #2752, Julia Moses, Cooweescoowee District.

BY COM'R NEEDLES:

Q Are these children all living at this time? A Yes, sir.
Q Were they all born in the Cherokee Nation? A Yes, sr.

BY MR. SMITH:

Q Where is your sister, Eliza Keyes, where does she live?
A She lived right in the Territory.
Q What Nation? A In the Cherokee Nation.
Q How far does she live from you now? A She lives about eight miles from me.
Q Has she lived here ever since you all came back?
A Yes, sir.

BY COM'R NEEDLES:

Q Do you recollect about how old you were when you returned?
A No, sir, I don't.
Q You were not grown you say when you came back? A No, sir.

ALLEN LYCNH, being sworn by Commissioner T. B. Needles, testified as follows; BY MR. SMITH:

Q State your name? A Allen Lynch.
Q Where do you live? A Live at Vinita.
Q Are you a Freedman citizen, citizen of the Cherokee Nation?
A Yes, sir.
Q Are you on the 1880 roll? A Yes, sir.
Q Do you know Sarah Moss? A Yes, sir, I know her.
Q How long have you known her? A I have knowed her ever since she was a little girl.
Q Did you know her mother? A Yes sir.
Q And her father? A Yes, sir.
Q Who was her mother? A Her mother was named, I can't call her name; she belonged to Doctor Thornton.
Q Was he a Cherokee citizen, Thronton? A Yes, sir.
Q What was this girl's mother's name? A You asked me that but I just ~~xxxxx~~ got it out of my mind not; Fanny Thornton.
Q Where were ~~they~~ living at the time the war commenced?
A The old man, I don't know where these was living exactly, but the old man used to stay with old man Burtoff down at Tahlequah.
Q When did you first see Sarayh Moss after the war?back in the Cherokee Nation? A I never seen her until '67, somewhere along there.
Q Did you see her father or mother earlier than that? A ~~Xxx xxx~~ I Saw the old man.
Q Where did you see him? A He was down to Art Williams'.
Q Where was that? A On Grand river.
Q What was he doing there? A They told us they come down to look out a location, he was there resting up his horse when I saw him.
Q What was this old man's business, occupation? A Preacher.
Q Did he preach any since? A Yes, sir.

Q Did you know Eliza Keyes? A Yes, sir.
Q What kin is Eliza Keyes to Sarah Moss? A Sister.
Q What is her father? A Old man Nathan Tyner we called him.

BY W. W. HASTINGS:

Q You lived 30 or 40 miles from Big Creek didn't you?
A Yes, sir; I do now.
Q You did then didn't you? A Yes, sir, I ~~now~~ owned a place up there.
Q Not then? A No, sir, but after wards.
Q Where did Nathan Duffin tell you his family was?
A His family was in Kansas.
Q First saw him there? A Yes, sir.
Q See him a day or two? A I think he was down there about ten days.
Q You testified in the case of George B. Duffin didn't you?
A Yes, sir.

BY COM'R NEEDLES:

Q Do you know when Nathan Duffin made a home in the Cherokee Nation, built a house or anything like that? A No, sir.
Q You don't know when he brought his family down? A No, sir.

BY MR. SMITH:

Q What time did he dome down and you saw him on Grand river?
A Some time in the fall, September or October.

SAM WEBBER, being duly sworn by Commissioner T. B. Needles, testified as follows:
BY MR. SMITH:

Q State your name? A Sam Webber.
Q What is your post office? A Nowata.
Q How old are you? A About 58.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Are you on the 1880 roll? A Yes, sir.
Q Do you know Sarah Moss? A Yes, sir.
Q That is the applicant? A Yes, sir.
Q How long have you known her? A I have known her ever since her father brought her there to Big Creek.
Q When was that? A That was sometime near, as near as I could remember, before Christmas in '66, a short time before Christmas.
Q A short time before Christmas in '66? A Yes, sir, it was sometime along about that.
Q Did you know Eliza Keyes? A Yes, sir.
Q Do you know her now? A Yes, sir.
Q What kin is Eliza to Sarah? A Sisters.
Q Who was her father, Sarah Moss' family? A We called him uncle Nathan Tyner and some called him Nathan Burtoff.
Q Who was Sarah Moss' mother? A I knew her since the war, but I don't believe I can state her name now.
Q State who old man Tyner brought when he come back there in '66.
A He brought his wife and two boys and two girls.
Q What boys? A George and Joshua.
Q And the two girls what were their names? A Eliza and Sarah.
Q Where has Sarah Moss been living since you first knew her up there in '66? A She lived on Big Creek.
Q How far does she live from you? A Ten or twelve miles; away up the creek, maybe more than that, too; there up the creek there, up Big Creek.
Q Where has Eliza Keyes been living since that time; since you saw her in '66? A After she married John Keyes she was around;

I don't know just where they located; I think they lived a while on; I won't be certain, I don't know where John Keyes lived
Q How old was she when she married? A I don't know.
Q Where did she live up tp the time she was married? A Lived with her father there on Big Creek.
Q Where did Sarah Moss live up tp the time she married? A Lived with her father.

BY MR. HASTINGS:

Q Mr. Webber, where did you live in the fall of '66? A Lived on Big Creek.
Q How far from where these people located? A When they first come down and built a little house for the old man and woman that lived with us, old Uncle Sias and Aunt Rhoda, they lived in the house by me.
Q Old Man Duffin? A Yes, sir; and he went up the Creek and got him a claim and built there.
Q How long before he built his place up the Creek? A He was working on the place there.
Q Why didn't you testify for these people five years ago?
A They didn't ask me.
Q You knew about it? A I could testify for them if they had asked me.
Q A Great many people came in that fall? A Yes, sir; lots of people come in that fall; they were dropping in all the fall.
Q You can remember distinctly when certain people came in there 35 years ago? A I remember them because the old man was a preacher and lived right there in my house.
Q Did William Noble live on Big Creek? A I don't know anything about him.
Q You deny that William Noble helped put up his first house?
A I don't know anything about that.
Q well, Albert Morris was living there? A He didn't live there.
Q You are the man that testified that you come down here with your father in 1865? and went to Fort Gibson? A Yes, sir.
Q And a delegation composed of your father and some of them went up to see Chief Downing? Yes, sir.
Q You said you staied at Fort Gibson three or four weeks?
A I don't remember just how long I staid; we stayed there a while and went on up on Verdigris and wintered.
Q You testified that you went up on the Verdigris and wintered in 1865? A Yes, sir.
Q Now who was along with you during that winter of 1865? A Jess Brown, Lon May, John Stopp , Toby Drew and son and one woman.
Q Are any of them alive now? A There is one woman alive.
Q What is her name? A Her name at that time was Sallie French, and her name now is Sallie Wright.
Q Was she the only woman in the crowd? A Yes, sir.
Q Was she married? A Yes, sir.
Q Who was her husband then? A Me; I got her at Fort Gibson; my first woman.
Q Well you went down there in the fall of '65? A Yes, sir, took her up with me.
Q I believe you ~~[illegible]~~ testified that you people come down there in the last of July or August and put up houses? A Yes, sir.
Q And that you permanently moved down there in the fall of '66?
A Yes, sir.
Q Did you have more than once house built when old man Duffin come?
A Built a little shanty for the old folks, we couldn't all stay in the house.
Q What relation are you to these people? A None/
Q You didn't marry into their family? A No, sir.
Q They have not married into your family? A No, sir.

Q Don't you belong to a Committee that is appointed by those people up there? A I ain't on no Committee.

SARAH MOSS, the Applicant, re-called:
BY MR. SMITH:

Q Have you a place in the Cherokee Nation? A Yes, sir.

W. W. HASTINGS: Comes now the Representatives of the Cherokee Nation and object to the question for the reason that even if the applicant is a trespasser in violation of the laws of the Cherokee Nation, it would be no indication that she returned and complied with the provisions of the Treaty of 1866.

Q How long had you had that place? A I have had that place 20 years, 22.
Q How long? A I have been on my place about 22 years.
Q Have you ever gotten any permits from the Cherokee Nation?
A No, sir.

COM'R NEEDLES: Sarah Moss applies for the enrollment of herself and eight children, to-wit: Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie. Her name cannot be found upon the authenticated roll of 1880 or the census roll of 1896. She is duly identified upon the Kern-Clifton roll and Wallace roll. The names of her children with the exception of the youngest, Willie, are duly identified upon the Kern-Clifton roll. She afers that she is a sister of George B. Duffin, who waw listed for enrollment on this day on Doubtful card #605, and the testimony taken in the case of said George B. Duffin will be made part of the record in this case and a copy of the same will be filed with the testimony now being taken. She makes satisfactory proof as to residence and she and her children as enumerated herein will be listed for enrollment as Cherokee Freedmen on a doubtful card. It will be necessary for her to file with this Commission satisfactory proof of the birth of her youngest child, Willie, whose name does not appear upon any roll. She will be duly notified of the decision of the Commission when the same is arrived at.

---oooOOOoo ---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this 8th day of June, 1901.

D. D. Tacker

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
OCT 18 1901

File with C. F. D. 326 Sarah Mays

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 5th, 1901.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee Freedman; said Duffin being sworn and examined by Commissioner T.B.Needles, testified as follows

Q What is your name? A George B. Duffin.
Q How old are you? A I was born in '51.
Q Well how old would that make you? A 49 I guess, about 49.
Q What is your post office? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir
Q Have you ever been recognized by the Cherokee authorities?
A I have been voting and issuing permits.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on anyof the rolls of the Cherokee Nation? A It is on the Kern and Wallace roll.
Q Who do you want to enroll? A None but myself.
Q What is your father's name? A Nathan.
Q Is he living? A No, sir.
Q What is your mother's name? A Francis Duffin.
Q Is she living? A No, sir.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 110, #2345, George B Duffin, Cooweescoowee District.

Q Were you a slave, Mr. Duffin before the war? A Yes, sir.
Q To whom did you belong? A Dr. John Thornton.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Fort Smith, Arkansas.
Q What did you do? A Served in Stand's troops.
Q Were you a soldier? A Yes, sir; I was a child.
Q When did you return to the Cherokee Nation? A In the summer or fall of '66.
Q Where did you come to? A Big Creek.
Q Have you been living in the Cherokee Nation ever since that time?
A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q You say you have voted in the Cherokee Nation? A Yes, sir.
Q Had permits issued to you? A Yes, sir.
Q Who did you return with? A Just the family, we came down, father came down in the summer of '66, with quite a troop of them and selected his home and he went back and sold his crop that fall and came down and arrived on Big Creek in the fall or November of '66.
Q Who did you say your owner was? A Doctor John Thornton.
Q Did he own your father and mother? A No, sir.
Q Whom did they belong to? A He owned mother.
Q Did your father and mother return withyou? A Yes, sir, and four children.
Q They are living and they? A Yes, sir.
Q Have you any Cherokee Representative?
Q What was your father's name? A Frances Duffin.
Q Is your father living? A No.
Q You have a sister by the name of George Keyes? A No, sir.
Q You have another sister Sarah Mays? A Yes, sir.

Q When you came back you came to Big Creek? A Yes, sir, when we moved.
Q What part of Big Creek was it? A Near the head of Big Creek, near about eight miles fromthe Kansas line.
Q How far is that from Snow Creek? A About ten miles, east ten or 12 miles.
Q Any other family came with you except yours? A No other family.
Q You came right there and locatedfirst? A Yes, sir.
Q Who was living around there atthat time? A On Big Creek?
Q Yes. A Well, there was Andy Dougherty.
Q Was he a Freedman? A Yes, sir; Daniel Sanders, Mike Sanders, and Sam Webber.
Q They were all living on Big Creek were they? A Yes, sir; some of them in houses and some partly in tents and so forth.
Q They had come before you? A Yes, sir.
Q Had they made a crop there thatyear? A They had some little patches killed out.
Q Had corn in them? A They had gathered what corn theyhad. It was in November when I got there.
Q Did you know Jim Martin? A Did I know him?
Q Yes. A Yes, sir.
Q How far do you live from him? A I live about 12 miles from where he lives.
Q Do you know William Noble? A Yes, sir.
Q Where did he live?A He lives about four miles now.
Q How long has he lived there? A I got acquainted withhim in November in the fall of '70.
Q He was not there then? A No, sir. The place he lives on now was made by Doctor Brown.
Q Was any Cherokees living near that place when you came? A Yessir.
Q From what place in Kansas did you come? A Anderson County.
Q What point? A Near Garnsey.
Q Did you come by way of Chetopa? A Yes, sir.
Q Through whatother towns did you pass?A In our coming?
Q Yes. A We came down through a little town that was called Osage Agency I think; thatis about the only town I remember of; we came throughseveral towns, but we came through what is known as the Osage Nation or the Osage Mission, I don't remember now; I remember there was Osage to it.
Q Did you pass by any Cherokee houses in the Cherokee Nation?
A No, sir.
Q Didn't see any at all? A No, sir; never seen a house after we left the little village of Chetopa until I come down to Big Creek.
Q You came down by way of Chetopa and then turned west? A Yessir.

Permissionis granted Mr. Edgar Smith to interrogate the applicant:

Q You state Eliza Keys was your sister? A Yes, sir.
Q And whatis your other sister's name? A Sarah Moss.
Q Who was with you when you came back from Kansas? A Just two wagons, the family.
Q Well, state who was in the family? A My father, mother, brother and two sisters.
Q What are your two sisters' name? A Sarahand Eliza and Joshua.
Q Was Sarah or Eliza older than you? A They are younger.
Q Are they both your full sisters? A Yes, sir.
Q To whom did they belong? A The sameman, Doctor Thornton.
Q Did they go out with you? A Yes, sir.
Q Come back withyou? A Yes, sir.
Q When do yousay they came back into the Nation after the war?
A In the fall of '66.
Q Where did they take up their residence; where did they live after they came back here in the fall of '66? A They lived until they became woman in the house with us and Sarah lived withus part of the time; two of her children were born right in Father's house.

Q Those two sister you have named lived with you and your father?
A Yes, sir.
Q Where was your father's house? A About eight miles from the Cherokee line on Big Creek.
BY W.W.HASTINGS:
Q Were these girls married when you come down here?A They was quite small, small children.
Q Have you ever worked in Kansas after you come down here?
A Yes, sir, I have been working a gread deal from '87, I travelled in the Ministry.
Q Are you married? A No , sir.
Q Where were you traveling in the Ministry? A All through this Nation and in Kansas, in Arkansas, until '84, father was taken sick and I was going to school.
Q Where? A Baker University, in Kansas.
Q You remember the Osage Mission? A Yes, sir.
Q You remember Chetopa? A Yes, sir; thatis what they was of Chetopa, you know there was not much of Chetopa; there wasn't but one or two stores.
Q I know it was not named until '67? A I think it was there.
BY COM'R NEEDLES: Do you own any improvements in the Cherokee Nation?A Yes, sir.
BY W.W.HASTINGS:
Q You knew that youwere not a recognized citizen of the Cherokee Nation? A Well, I don't know.
Q You knew the Cherokees didn't recognize you? A Yes, sir.
Q What did you make your home for when you knew they didn't recognize you? A I knew I was'nt a citizen if I come by the Cherokees' recognition.
Q You then went out on the public domain and took a home?
A Yes, sir.
COM'R NEEDLES
Q Do you know the reason your name is not on the roll of 1880, Mr. Duffin? A No, sir; in 1880 the census taker came to my father's house andeat supper and breakfast and thenext morning them taken allof our names and I don't know what they done with them.
BY W.W.HASTINGS:
Q What was their names? A I don't know; I didn't know any Indians then only those down in Going Snake District, where I was bred and born.
BY MR. SMITH:
Q You spoke of Chetopa having one or two stores; do you know whether it was named at that time or not? A No, I don't.
Q You had reference to theplace? A Yes.
BY MR. HASTINGS:
Q You heard me say it wasn't named since you give the other testimony didn't you? A I don't remember what yousaid in that regard.
COM'R NEEDLES:
Q Now, Mr. Duffin, you passed by the place that is now called Chetopa didn't you? A Yes, sir.
Q How old were you when you passed by there?A Well I guess I was about 1[illegible], I think I was 14 when we came to the Nation.
BY MR. HASTINGS:
Q When did you first see Allen Lynch after the war, on Big Creek
A No, sir, I don't remember; I have knowed him nearly all my life.
ALLEN LYNCH BEING SWORN AND EXAMINED BY COMMISSIONER T.B. NEEDLES, testified as follows:
Q What is your name? A Allen Lynch.
Q Whatis your post-office? A Vinita.
Q How old are you, Mr. Lynch? A 61 years old.

Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Name on the roll of 1880? A Yes, sir.
Q Do you know the applicant, George B. Duffin? A Yes, sir.
Q How long have you known him? A I have known him ever since he was a little boy.
Q Was he a slave? A Well, yes, sir; that is, his parents was.
Q Do you know to whom he belonged? A His father belonged to a man by the name of Tyner.
Q Do you know who his mother belonged to? A His mother belonged to Mr. Thornton.
Q Well now, do you know whether the applicant was taken out of the Cherokee Nation during thewar? A No, sir, I don't know.
Q Where did you first see him after the ware A The first time I saw him was down here.
Q Down where? A In the Nation.
Q Where? A I never seen this man until about '67 or '68.
Q Did you see his father and mother before that? A Saw his father.
Q When? A Saw his father in October or September, '66.
Q Where was his father living then? A His father was living in Kansas and come down here and I saw him at Art Williams'.
Q Was any other man with him? A Not that I saw.
Q You don't know whether the applicant was here in 1866 or not? No, sir.
Q You know his father was? A Yes, sir.
Q Well, have you known him ever since? A Yes, sir.

BY MR. SMITH:

Q Do you know Eliza Keys? A Yes, sir.
Q What kin is she to him? A Sister.
Q Do you know Sarah Moss? A Yes, sir.
Q When did you first see them after the war? A I never saw any of the family until after they moved down except the old man until along in '67, somewhere along in there.
Q Where were they living when you saw them? A They were living over on Big Creek, and the old man come over there on Grand river and preached for us.
Q Whatyear was that? A In '67 or '68, and on along until he died.

BY MR. HASTINGS:

Q Allen, do you draw a pension? A Yes, sir.
Q For a wound that was inflicted during the war? A Yes, sir.
Q On the point of the left shoulder? A Yes, sir.
Q Where was that wound inflicted? A At Honey Springs.
Q Down here?A Down in the Creek Nation.
Q What year? A '64 I believe, July 16th, I think that is the time.
Q Now where did you see this man Duffin over on the Grand river?
A At Art Williams' on Grand river.
Q Were they living over there? A No, sir; they were there looking around.
Q Did they go back to Kansas? A Yes, sir, they went back to Kansas

FILMORE HICKS, being sworn and examined by Commissioner T.M.Needles, testified as follows:

Q What is your name? A Filmore Hicks.
Q Post office?A Vinita.
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Do you know George B. Duffin, the applicant? A Yes, I amacquanited with him.
Q How long have you known him? A I don't know exactly how long; I have known him; I have known him 25 years I reckon.
Q Do you know whether he was a slave before the war? A No, sir, I don't.
Q Do youknow whether he was taken out of the Cherokee Nation during the war? A No, sir.

Q When did you first see him after the war? A I met him about '73 or '74.
Q Did you know his father? A Yes, sir, I knew his father.
Q And his mother? A No, sir, I didn't know his mother.
Q Where did you first see his father after the war? A On Grand river at Lynch's prairie.
Q Whatyear? A '66.
Q Did he have his family with him? A No, sir.
Q Did you see any other members of his family, his sisters?
A In '66?
Q Yes? A No, sir.
Q Didn't see anybody but the old man? A No, sir.
BY MR. DUFFIN, the applicant:
Q I would like to ask Mr. Hicks before this Commission what was father's business down in '66? A Well I saw him up there at Lynch's and he was talking about looking out for places him and Tom Mayfield together looking for locations.
BY MR. HASTINGS: He went on back to Kansas? A I suppose so.
COM'R MEEDLES: Q How do you know? A I don't know.
Q Did you testify for Aaron Martin? A Yes, sir.
Q Anderson Lynch, commonly known as Crap Lynch, testified for him?
A No, sir, I don't think he did.
Q Didn't Aaron Martin promise to give you and Anderson Lynch a mule to testify for him? A Promised to pay.
Q What? A Yes, he paid us for it.
Q A mule? A Yes, sir.
Q What is the mule worth? A I don't know
BY COM'R MEEDLES:
Q When was that? A When the commission was at Vinita.
Q Well, he was as good as his word and paid the mule did he?
A Yes, sir.
MOSES RILEY, being sworn and examined by Commissioner T. L. Meedles, testified as follows:
Q What is your name? A Moses Riley.
Q What is your age, Mr. Riley? A About 5[illegible].
Q Post office address? A Chelsea.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Well, do you know the applicant, George W. Duffin? A Yes, sir.
Q How long have you known him? A All my life, might near.
Q Was he a slave? A I never saw him when he was a slave, I saw his father.
Q His father was a slave was he? A Yes, sir.
Q Do you know whether George here was taken out of the Cherokee Nation during the war? A Yes, sir
Q Where was he taken? A Kansas.
Q Who took him? A I don't know, sir, who took him
Q You saw him in Kansas? A Yes, sir.
Q Did you know whenhe retur ed to the Cherokee Nation? A His father returned here the fall of '66, or somewheres along about there.
Q Did his father have his family withhim? A He didn't when I saw him.
Q You say his father didn'thave his family with him? A No, sir, his father was at my father's house.
Q When did you first see George? A I knew George a little before Christmas.
Q Little before Christmas? A Yes, sir.
Q What year? A The same winter.
Q The same winter that you saw his father in the summer? A No, sir. I saw his father, I never saw his father until the winter.
Q When did you see George? A I saw him the same winter, saw him on Big Creek.
Q Do you know whether that was '66 or '67? A Winter of '65.
Q Was his father keeping house there? A Yes sir. His father was

keeping house.
Q George was one of the children? A Yes sir.
Q George was a minor; was he under 21? A Yes, sir.
BY W.W.HASTINGS:
Q Now, you are a son of Riley Mc Nair? A I guess so that is what I am claiming to be.
Q That is what you swore? A Yes, sir.
Q You are on a doubtful card yourself? A I expect so, I am not on the 1880.
Q You applied at Vinita and you know it?A Yes, sir.
Q Were you present the other day when Mrs. Martin Thompson testified in your case? A Yes, sir.
Q Where did you go whenyou ranturned to the Cherokee Nation yourself? Returned to the old McNair place inSalin
Q What time did you reachthere? A In the fall, sir.
Q How old were you then? A I don't know, sir, how old I was.
Q Grown? A No, sir, I wasn't grown I know.
Q Just a boy? A Somewheres along between a boy and a lad.
Q Now, how far is Grand river from Big Creek? A Yes, sir.
Q From where you lived on Grand river to where this manlived on Big Creek: A I expect it must have been about 30 miles, I expect from where we was then.
Q Lots of other people living up on Big Creek atthe time? A Yes, sir,lots of darkies.
Q Lots of them? A Yes, sir, lots of them.
GEORGE B. DUFFIN, the applicant, re-called;
BY COM'R NEEDLES:
Q Your earliest recollection where were you? A My earliest recollection I was down here in Going Snake District about six miles they called it from Dutch town, that is where I was born.
Q Then you recollect going to Kansas? A Yes, sir, I nevercould forget that, we left the Nation with about 50,000 soldiers, and they carried us about 20 miles horseback.
Q Now, whenyou returned did you return with your father's family? A Yes, sir.
Q Youdon't recollect whether your father had been down in the Cherokee Nation before he went back after his family or not? A Yes, sir, he came down the summer preceding the fall looking out a location.
Q Then went back to Kansas after his family? A Yes, sir.
Q Did he bring your mother? A Yes, sir; well out crops and effects there all we could haul and come on down.
Q You were quite a child then? A Yes, sir.
Q About how old were you? A It has been quite a while but I think I was about 14.
Q You have been living in the Cherokee Nation ever since? A Yessir
Q Youhave been out occasionally in the Ministry, around inthe different states? A Yes, sir, I have been in Missouri, and Kansas and Arkansas and in this Nation.
Q Have you ever established a home outside? A No, sir. I went two years to school at Baker University.

COM'R NEEDLES: George B. Duffin applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is fully identified upon the Kern-Clifton roll and Wallace pay roll. By reason of the fact that his name is not on the roll of 1880 and the further fact that his cisizenship is contested by the Cherokee Nation, George B. Duffin will be listed for enrollment as a Cherokee Freedman on a doubtful card He will be notified of the decision of the Commission when arrived at.

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George E. Duffin 8

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 7th day of June, 1901.

(signed)C.R.Breckinridge,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this September 11th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
BOARD TO THE FIVE CIVILIZED TRIBES
[illegible]
N[illegible]1901

File with case of Sarah Moss, et al., C.F.-D.#506.

Supl.C.F.-D.#605.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 25th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George F. Duffin as a Cherokee Freedman, introduced on part of the Cherokee Nation:

Appearances:
Mellette & Smith, Counsel for applicant;
Mr. Hastings, of Counsel for Cherokee Nation.
(Witnesses called, sworn and placed under the rule.)

W. A. JOHNSON, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A W. A. Johnson.
Q What is your age, Mr. Johnson? A 71 years.
Q What is your post office address? A Barnett, Kansas.
Q How long has that been your post office? A Since 1858.
Q Did you know a colored man by the name of Nathan Duffin?
A Yes, sir.
Q Did you know his wife, Frances? A I don't know what his wife's name was.
Q You knew her, knew he had a wife? A I knew he had a wife.
Q Did you know any of his children? A I knew two boys, two sons, young men.
Q Do you remember their names? A I do not, I don't know that I ever knew their first name.
Q Did he have any girls you remember? A Yes, he had a couple of girls, but I don't know what their names was.
Q Well, when did you first learn to know this family? A About '66.
Q Where did they live at that time? A They lived in the vicinity of Garnett, Kansas.
Q Live on the farm? A Yes, sir.
Q Did you know what old man Duffin's occupation was?
A He was a preacher.
Q How long did they continue to live in that vicinity from 1866?
A My recollection is that they were there in the spring of '70.
Q What fixes that date as the date that you think they were there last? A That was the date in which the Leavenworth, Florence & Galveston railroad was built to Garnett, and they were there during the building of that road until it was down to Garnett, and I know that they were there from the fact that they hauled railroad ties right past my house to the road until it was finished.
Q How far did they live from you, Mr. Johnson? A About two mile and a half.
Q Did you have occasion to see them frequently? A Saw them almost ever day, that is the two young men.
Q Did any of them ever work for you? A Yes, sir, I had them chop wood for me.
Q You remember when that was? A I think that was in the winter of '67 and '8.
Q I believe you stated that you are a practicing attorney at Garnett, Kansas? A Yes, sir.
Q You also stated in another case that you had been County Attorney and Judge? A Yes, sir.
Q Up in the States of Kansas? A Yes, sir.
Q You didn't know but two boys of Duffin's? A That is all I have recollection of now.

File with case of Sarah Moss, et al., C.F.-D.#506.

Supl.C.F.-D.#505.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 25th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George B. Duffin as a Cherokee Freedman, introduced on part of the Cherokee Nation:

Appearances:
Mellette & Smith, Counsel for applicant;
Mr. Hastings, of Counsel for Cherokee Nation.
(Witnesses called, sworn and placed under the rule.)

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Q I believe you stated that you are a practicing attorney at Garnett, Kansas? A Yes, sir.
Q You also stated in another case that you had been County Attorney and Judge? A Yes, sir.
Q Up in the States of Kansas? A Yes, sir.
Q You didn't know but two boys of Duffin's? A That is all I have recollection of now.

MR SMITH: Mr. Johnson, you don't know whether the men or the boys that you knew there whose names you didn't know are the men who apply in these applications for enrollment do you? A No, sir, I do not, I haven't seen the men since they left Kansas.
Q. No , when did you last see the girls? A It was somewhere about the spring of '70.
Q Well, now, you spoke of the boys having got wood for you in '67 or '8, did you have any occasion to know anything about the girls at that time? A Nothing more than the fact that the girls were there about the house where their father lived , the man I supposed to be their father.
Q Where did they live? A They lived about two miles southeast from Garnett on the farm owned by Judge Campbell.
Q They lived out in the country on the farm? A Yes, sir.
Q And you lived in Garnett? A No, sir, I lived adjoining Garnett.
Q Did you live on a farm? A Why I lived on a small tract of land adjoining the City.
Q Well practically you lived in Garnett? A Yes, sir, my office was in Garnett and has always been.
Q When was the last time you could state that you have been at the house of these people? A I could not state that exactly, but it was sometime about the time the railroad was completed to Garnett.
Q Well, you stated that you remember seeing the father and I don't know whether you said the boys or not, working there hauling to the time the railroad came there, but did you see the girls at the same time, they weren't hauling? A No, sir, but I frequently passed the place, I have seen them around the house.
Q Who would you see around the ho use? A I would see some girls there.
Q How many? A Two that I remember.
Q What was the difference in their sizes? A I have no recollection now whether there was any particular difference in the sizes or not.
Q You don't kno what two girls they was? A No, sir; I understood that they were Duffin's girls.
Q Were you ever at the house? A Yes, sir, I have been at the house, not in the house but I have been at the house.
Q When did you first know Duffin? A I think it was in the winter of '66.
Q Can you state positively whether Duffin was there in the winter of '66 and spring of '67? A In the Spring of-
Q Winter of '66 A Well, that is my best recollection.
Q But you can't state that positively? A No.
MR. HASTINGS: You mean to say by that that you don't know just any one time or what did you mean by that? A I mean by that that I could not be positive about just the exact time I saw him there.
Q Did you ~~xxxx~~ see him up until the spring of '70? A Yes, sir, I saw him frequently then.
MR. SMITH: Now, let me understand you, I want to know whether you can state positively whether he was there at all during the winter of '66 and spring of '67? A I would say he was.
Q Now, what time did you see him in the spring of '67? A I could not say just what time, there is nothing by which I could distinctly fix the time.
Q If you can't fix the time you don't know he was there?
A Well, sir, I had just come home from the army during the winter of '65, and when I came home a short time afterwards ~~x~~ I got acquainted with him.
Q Well, now, how long afterwards? A I could not say how long.
Q About how long? A It has been a good long time ago, about, probably it was three months.

Q. That time did you get home from the army? A. I got home on the day of the election in November.
Q. That was in '65? A. Yes, sir.
Q. And you don't know within three months of that time you first got acquainted with Duffin do you? A. Yes.
Q. No, what time. A. I say about three months after that.
Q. About three months after November, 1865? A. 1865.
Q. Then one year from that time where was Duffin? A. I could not say just where he was just one year after that.
Q. Have you anything by which you fix these dates at all, or are you testifying from your independent recollection of facts?
A. I am testifying from my recollection of facts, except I know that the railroad was completed to Garnett on the first day of May 1870, and that they were there then.
Q. Can you state with reference to the two girls you mentioned when, before that railroad was completed, when you last met them and under what circumstances? A. No, sir, I could not state under what circumstances I saw them at any time, simply see them there about the house as I would see any other lady.
Q. Was there a man up there named Amby? A. Hamby.
Q. Hamby? A. Yes, sir.
Q. Did they live on his place? A. I am not certain whether they did or not.
Q. Do you have any recollection of their ever being on there or living on that place at all, Hamby's place, the preacher?
A. No, sir.
Q. Well, what do you say about that, were they on his place, or do you remember? A. Not that I recollect of and I think too they were, but I am not positive about that, it has been a long time ago, and I haven't thought about those matters.
Q. Did you see this man, Nathan Duffin, in October, '66?
A. I could not say whether I did or not.
Q. Can you state whether or he was in Kansas during October or September, '66? A. It would be my recollection that he was, but I could not fix any particular time that I saw him in the fall of '66.

Com'r Needles: This testimony will be made part of the record in the case at bar, D-505, and also will be made part of the record in Cherokee Freedmen cases D-506, D-507, D-509, D-510.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson

Subscribed and sworn to before me this November 12th, 1901.

Commissioner.

To be filed in the case of Sarah Moss et al, Cherokee Freedman Doubtful

F.D.511.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., May 19, 1902.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee freedman.

APPEARANCES:
Millette & Smith for applicant.
W. W. Hastings for the Cherokee Nation.

J. M. Johnson being first duly sworn, testified as follows:

Mr. HASTINGS: What is your name? A. J. M. Johnson.
Q. Postoffice is Garnett, Kansas? A. Garnett, Kansas.
Q. Age is 50? A. 50.
Q. You have been a resident of Garnett since '59? A. Yes, sir.
Q. Did you know a colored man up there by the name of Nathan Duffin? A. I did, yes, sir.
Q. Did you know his family? A. I did, that is part of it, boy.
Q. Did you know what Nathan did, what occupation? A. Yes, sir.
Q. What was it? A. He was a preacher.
Q. Did you know any of his boys? A. Yes, sir, I knew George, and Joshua I think the other one's name was.
Q. Where did they live when you knew them? A. They lived about two miles and a half of Garnett.
Q. Two miles and a half of Garnett? A. Yes, sir.
Q. Well, now, how long did they continue to live there? A. They lived there until - they were there in the year '70, and I don't know just what time they left.
Q. They left sometime after that? A. They left after that, yes, sir.
Q. Did you see them frequently? A. Yes, sir, I worked with him on the railroad in '70.
Q. What railroad was that? A. The Santa Fe, then at that time was L. L. & G.
Q. Do you know they were there when that railroad was built?
A. Yes, sir, they were hauling ties.
Q. And that is why you fix that date? A. Yes, sir.
Q. Well did they live there from the time when you first knew them up to that time? A. Yes, sir.
MR. SMITH: When was it you first knew them? A. In '65.
Q. Who did you first become acquainted with? A. The old gentleman.
Q. What year was it when you first knew George Duffin? A. The same year.
Q. What time of the year did you become acquainted with George?
A. Some time about the spring of the year, I think.
Q. Well when did you first become acquainted them with the old man?
A. Now I don't think - I think it was in the spring of '65.
Q. Well how long a time had elapsed between the time you first knew the old man until you knew the other? A. Only a short time.
Q. Well about how long? A. Probably not more than a week or ten days.
Q. How old was George at that time? A. I couldn't say; he was about my age, I think a little older.
Q. What was the old man's name? A. Nathan, yes, sir, that's what we called all of them.
Q. He was a preacher, the old man? A. Yes, sir.
Q. What was George? A. He worked around on the farm, him and the other boy.
Q. They wasn't preachers was they? A. No, sir, they were working out, hauling, teaming around, and farming.
Q. How far did he live from you, old man Nathan? A. Well part of the time he lived in a half a mile from Garnett and x part of the time about two miles and a half.

Q. From you? A. Yes, sir.
Q. Well did you remain all of the year of '65 in Kansas, in Garnett?
A. Yes, sir.
Q. Were you there all the year of '66? A. Yes, sir.
Q. '67?A. Yes, sir.
Q. '68? A. Yes, sir.
Q. '69 and '70? A. Not all the time in '70.
Q. Well what were you doing in Garnett in the same year of '65 to '67? A. Well in the winter time I was in school; during the summer months I was working around the farm.
Q. What farm, where was your farm? A. I was farming for Spriggs and in '69 I was working on the railroad.
Q. When did you last see George Duffin? A. We were working on the railroad I think in '70, spring of '70.
Q. 32 years ago? A. Yes, sir.
Q. Well where was old man Duffin at the time George was working on the railroad? A. I think he was living up there in the county, up on the farm.
Q. Well are you sure about that? A. Not positively, no, dir.
Q. Was he in that county? A. Yes, sir.
Q. You are sure of that ? A. Yes, sir.
Q. Well if he wasn't living up there on that farm where else was he in that county? A. He might have been living over there on Mandovia, an addition to the city of Garnett.
Q. You swear that he was in Franklin County, Kansas, old man Nathan Duffin, at the time those boys were working on the railroad?
A. In Franklin County, no, sir.
Q. Then what County? A. Anderson County.
Q. Anderson County, Kansas? A. Yes, sir.
Q. You are sure about that? A. No, sir, I am not so positive sure about that.
Q. Well if you are not sure about it why do you statem it? A. The family left there together.
Q. Well now what do you say; was he in Anderson County, Kansas, while the boys were working on the railroad or not? A. He was.
Q. You are just as positive about that as you are to anything else that you testify to? A. Yes, sir.
Q. Now as a matter of fact don't you know that old man Duffin and the boys both had come away from there and were down here in the Cherokee Nation, and that the boys went back up there in '70 and worked on that railroad? A. No, sir.
Q. That is not a fact? A. That isn't so.

COMMISSION: This testimony will be filed with and made a part of the record in the following doubtful freedmen cases: Sarah Moss et al, D-506, Eliza Keys, D-507, Joshua Duffin, D-509, George N. Moss, D-510, and George B. Duffin, the case at bar, D-511. It appears from the records of this Commission that all of the applicants in the above named cases are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed - Arthur G. Croninger,

Subscribed and sworn to before me this 28th day of May, 1902.

P. G. Reuter,
Notary Public.

3-

Muskogee, Indian Territory, July 9, 1902.

R. A. Stevens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly copied the testimony and proceedings in the matter of the application of George B. Duffin for enrollment as a Cherokee freedman, D-511, and that the above and foregoing is a true and correct copy thereof.

R. A. Stevens

Sworn to and subscribed before me this 9th day of July, 1902.

B. C. Jones
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Sarah Moss, D 506;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

RECEIVED
SEP 1 1904
COMMISSION TO FIVE TRIBES

Cherokee Freedmen D 505,
et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications for the enrollment of GEORGE B. DUFFIN, SARAH MOSS, ET AL., ELIZA KEYS, JOSHUA DUFFIN, GEORGE N. MOSS, and FRANK DUFFIN as Cherokee freedmen.

It appears that on June 4, 1904, the applicants, their attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 18, 1904, and then and there introduce further testimony touching the points mentioned in said letter, and on June 18, 1904, this case was continued by agreement until this July 16, 1904, when the following testimony was introduced.

APPEARANCES:
The ~~appx~~ principal applicants present in person, and by attorney, R. W. Blue.
Cherokee Nation by its attorney, James S. Davenport.

GEORGE W. LYNCH, being first duly sworn, testified as follows on behalf of the applicants.

Q By the Commission:
Q What is your name? A George W. Lynch.
Q How old are you? A I was born December 1852.
Q What is your post office address? A Vinita.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know George B. Duffin, who has applied for enrollment as a Cherokee Freedman? A Yes, sir.
Q Do you know Sarah Moss? A Yes, sir.
Q Do you know Eliza Keys? A Yes, sir.
Q Do you know Joshua and Frank Duffin? A I know Joshua but I don't remember Frank.
Q Do you know George N. Moss? A Yes, sir.

By Mr. Blue:
Q Did you know Nathan Duffin? A Yes, sir.
Q Where and when did you first see him? A I never saw him in my life until '67.
Q What time in 1867? A It was about the first of February, '67.
Q Where did you see him? A On Big Creek.
Q About how far from the Kansas line, south line of Kansas? A Making an estimation I think it was somewheres from six to seven miles.
Q In what direction from the Kansas line? A South of the Kansas line.
Q You saw him at that place, did he have a house or place to live in there? A He had a kind of a rough double log house.
Q What time in the day were you there at his place? A We got there very early in the morning, before they had eat breakfast.

Q Who was you with at that time? A A man by the name of Art Williams.
Q Was he a white or colored man? A Colored man.
Q Where were you going at that time? A He was going there, but I was enrouts to enlist in the Army.
Q Did you proceed on and enlist in the Army? A Yes, sir.
Q What regiment did you enrlist in? A Company C, 10th Cavalry.
Q At what place? A I went to Fort Leavenworth.
Q Do you remember the date of your enlistment? A No, sir, I don't remember right now, in the Spring of '67.
Q After you saw Mr. Duffin there where did you next see him? A I never saw any more until I went in the Army and come back.
Q How long were you in the Army? A I went in in '67 and come out in '72.
Q How soon after you came out of the Army did you next see Mr. Duffin? A I judge it was about along in '73.
Q Where did you see him? A I saw the old man first, after I come back over on Grand river, with an old preacher by the name of Rider, they were over there at a meeting.
Q In what Nation? A Cherokee Nation.
Q What was Nathan Duffin's business? A He was a preacher.
Q Do you know George Duffin? A Yes, sir.
Q When did you first see him, if you remember? A I first saw George when Art Williams andI went to the cabin that morning and got breakfast.
Q That was in 1867? A Yes, sir.
Q Who else of the Duffin family did you see there at that time?
A As well as I remember I saw two boys and two girls.
Q Did you afterwards ascertain who they were? A Yes, sir.
Q Who were they? A It was George and Joshua and Sarah and Eliza.
Q George and Joshua and Sarah and Eliza who? A Duffin's always known as Duffins,*sometimes called Tyner, I don't know where that name come from.
Q Do you mean by that that Nathan Duffin was sometimes called Tyner? A Yes, sir.
Q By what name does Eliza Duffin now go? A By Eliza Keys.
Q How about Sarah Duffin, by what name does she go now? A By the name of Sarah Moss.
Q Did you see Eliza Keys after 1867, when you first saw her there at her father's house? A Yes, sir, frequently since that.
Q Have you seen Sarah frequently since that, too? A I saw her now and then, but not as often as I have Eliza, but I have seen her several times since that.
Q How long did you remain at Nathan Duffin's cabin in February, 1867 when you went there? A Ate breakfast and sat around there an hour or two and talked.
Q Then what did you do? A Art showed me how to go down the creek, where my grandfatherwas living down there, and some more folks, and he went on his way.
Q Didyou go on yours, too? A Yes, sir.

By Mr. Davenport:
Q As I understand you, Nathan Duffin, together with George Joshua Sarah and Eliza, was living in a double log house in Cooweescoowee district about the first of February, 1867? A Yes, sir.
Q Did you have any conversation with Nathan Duffin at the time you were there as to where he went during the war? A No, sir, had no conversation with him at all; it seems that him and Art Williams were acquainted and I listened to them talk.

Q Did you hear any conversation between them as to where the Duffin family went during the war? A No, sir.
Q There was no thing passed then between Art Williams and Nathan Duffin as to whether or not Art had left the Cherokee Nation during the war or that Duffin and his family left? A If I did I don't remember it.
Q After this time you claim you saw them there in 1867 it was five or more years till you saw them any more? A It must have been six years.
Q It was after you came out of the Army? A Yes, sir.
Q Were they living on the same place when you saw them again? A I didn't come back on the same place; I saw the old man and the boys frequently but not at their homes.
Q Have you since that time learned whether or not Nathan Duffin and his family went out of the Cherokee Nation during the war? A I don't know as I have; I have no knowledge of it.
Q You haven't learned it from any of the family? A I believe I have heard it mentioned that they went out of the Cherokee Nation during the war.
Q You have never heard them tell about having lived about Ottowa, Kansas, with old man Campbell, have you? A No, sir.
Q Never heard George here and his brother tell about hauling across ties to build that railroad when it built into Ottowa, Kansas? A No, sir.
Q Have you ever talked with them about their taking a lease from old man Campbell for clearing out a piece of land, near Garnett, Kansas? A No, sir, I have never heard of that.

GEORGE CAMPBELL, being first duly sworn, testifiedas follows on behalf of the Cherokee Nation.
By the Cherokee Nation:
Q What is your name? A George Campbell.
Q How old are you? A 58.
Q What is your postoffice address? A Garnett, Anderson County, Texas.
Q Are you a citizen of the United States? A Yes, sir.
Q Do you know the applicants in this case who have applied here to be enrolled as Cherokee freedmen, George B. Duffin and Joshua Duffin, and Sarah Moss, et al? A I used to know them, but haven't seen them for a good many years

By Mr. Davenport:
Q Mr. Campbell how long have you lived in or near Garnett, Kansas
A Ever since 1856.
Q Where were you living with reference to Garnett, Kansas, in 1865?
A The latter part of 1865 I lived 2 1/2 miles east.
Q Of Garnett? A Yes, sir.
Q Did you know a family of coloredpeople there in 1865 by the name of Duffin? A Yes, sir.
Q Do you remember the name of the old gentleman? A Yes, sir.
Q What was his name? A Nathan.
Q What was his business? A He farmed and he preached.
Q Where did he live when you first got acquainted with him? A The first I knew of them they lived on a place right west of us, adjoining us, Gibson.
Q Gibson place? A Yes, sir.
Q After you got acquainted with them, where did they live? A On my father's place; leased some land there for three years.

Mr. Blue: We object to that as not being the best evidence.
Commission: Objection noted.

Q What was your father's name? A J. Y. Campbell.
Q How long did the Duffin family live on your father's place after they moved there? A I think they lived there three years out; they were there in 1868, I know.
Q What makes you remember they were there in 1868?

Mr. Blue: Objected to as incompetent, immaterial and irrelevant.
Commission: Objection noted; witness will answer.

A Well, in 1867, July 4th, I enlisted to go out on the plains in the Army, and they were there when I come back, and I farmed with them the next summer.
Q Did you work on the same farm that belonged to your father that the Duffins lived on while working your father's farm? A Yes, sir.
Q You were then about how old? A About 22.
Q Do you remember the names of the family of how many there were in the family? A There were two boys and two girls and the father and the mother, six.
Q Do you remember whether there were any other children? A I don't know.
Q Do you remember the names of any of the children? A One was named George, and I think the others name was Frank.
Q Do you know the girls' names? A One was named Eliza and I don't know the other name.
Q Have you ever seen the boys or the old gentleman since that time?
A George was at my house once since then.
Q When did they move from your father's place? A I just can't tell you just when they moved away.
Q They were there the crop year, the last year you remember? A. '68.
Q They were there in July in 1867? A No, they lived on the Cobson place at that time. x
Q In the neighborhood? A Yes, sir.
Q From the time you got acquainted with them in 1865 up to 1868, had they moved out of the neighborhood? No, sir, they didn't moved out.

By Mr. Blue.
Q In what regiment did you enlist to go on the plains? A 18th Kansas.
Q Was that the regiment that was raised in Kansas for Indian service after the war? A Yes, sir.
Q Col. Crawford was Col.? A No, sir, he was Col. of the 19th.
Q Who was Col. of the 18th? A Didn't have none.
Q Who commanded it? A Major Moore.
Q Where did he reside? A At Lawrence.
Q Is that the Mr. Moore that was afterwards elected to Congress from the second district? A Yes, sir.
Q How long were you in the service of the 18th Kansas? A I enlisted for five months, but got out; went in in July and got out in December.
Q Went out in July of 1867? A Yes, sir.
Q Did you serve with the 19th Kansas? A No, sir.
Q In what troops did you serve? A We served with the 10th cavalry.
Q 10th colored cavalry? A Yes, sir.
Q Who commanded it? A A man by the name of Arms.

Q He commanded your battalion all the time you were out? A Yes, sir
Q When did you enlist in that regiment? A In July, 1867.
Q What time in July? A 4th of July we enlisted; mustered in the 15th of July.
Q Where did you enlist? A Garnett.
Q Who was the officer that enlisted you? A Johnson, I think.
Q What Johnson? A Col. Johnson, or Captain Johnson.
Q Alex? A Yes, sir.
Q Did Alex serve in the 18th? A No, sir, we were under Captain Jennings of Ottowa.
Q You say you knew Nathan Duffin? A Yes, sir.
Q Where did you first meet him? A I first met him at Garnett.
Q At what place? A Right east of Garnett.
Q When was that? A In 1865.
Q What time in 1865? A Must have been about the first of September, I didn,t come until the latter part of August.
Q Did you serve in the Union Army before that? A Yes, sir, in the 2nd Kansas Cavalry.
Q Is that Cloud's regiment? A Yes, sir.
Q When did you come back from the service in the 2nd Kansas after the war closed? A Yes, sir, mustered out at Lawrence.
Q When? A 18th of August, 1865.
Q Then where did you go? A I come right home to Garnett.
Q You saw Nathan Duffin after that? A Yes, sir.
Q Where did you say he was, as to whose farm he was on? A A man by the name of Gibson.
Q His first name? A John.
Q Where is Gibson now? A He is dead.
Q Did he ever hold any official position in Anderson County, Kansas? A Not that I know of.
Q When you saw Nathan Duffin out there what was he doing? A Farming.
Q What kind of a house did he live in? A Board house, boarded up and down, on Gibson's place, and built a long house on our place.
Q On Gibson's place we was living in a board house? A Yes, sir, in what they sometimes called a yankee frame.
Q Was that the main house on the farm? A No, sir.
Q Who lived in the principal house on the place? A Gibsons.
Q That the owner of the land? A Yes, sir.
Q How much of a farm did Gibson have there? A I think 120 acres.
Q Did the old man have a team, old man Nathan? A Yes, sir, he had a team; I think he had two.
Q Were you ever in the house he lived in while he was living in it.
A No, sir.
Q The old man was a preacher, wasn't he? A Yes, sir?
Q In the practise of his profession he went from place to place, didn't he? A I don't think he went around much.
Q Do you know anything about it? A I know he preached.
Q You don't know whether he went off and preached? A No, sir, I don't know.
Q Did you ever go up to the Gibson place to see what kind of crops they had? A Yes, sir, I have been around that way.
Q What kind of crops did the old man tend there? A I don't know, it was late in the season when we come home.
Q You don't know much about the crops? A No sir.
Q That was in 1865? A Yes, sir.

Q Do you know anything about what he did in 1866? A He farmed on my father's place.
Q What was your father's name? A Jim Campbell.
Q Where is your father now? A He is dead.
Q How long has he been dead? A 10 or 15 years.
Q In what kind of a house did Nathan Duffin live on your father's place? A Log house.
Q Old or new one? A He built it himself.
Q When? A In the fall of 1865, late in the winter.
Q How close was it to the principal house on the place? A About a quarter.
Q Were you in that house while Nathan lived there? A Yes, sir, I think so.
Q More than once? A I don't know how many times.
Q You are not positive? A No sir.
Q Was it there where you said he had two boys and two girls? A Yes, sir.
Q Would you know either one of them if you were to see them again? A I don't suppose I would.
Q How long has it been since you saw either of them? A I don't recollect seeing them since 1868, any except George.
Q When and where did you see George? A He come to my house in Garnett.
Q When was that? A I don't know how long that has been; I don't recollect; quite a while ago, though.
Q How long did he stay at your house when he came? A Not but a little bit, a few minutes.
Q Did you talk with him? A Yes, sir.
You are not positive as to how long ago that has been? A No, sir.
Q You say he cropped down there in 1866, built a house on your father's place in 1865? A Yes, sir.
Who cropped there? A Nathan Duffin.
Q Was he there all the time? A I couldn't tell you that; whether he was or not.
Q Was he there in 1867? A Yes, sir.
Q Was he there all the year of 1867? A I cant tell you; I was away five months.
Q Five months of 1867 you were not there? A Yes, sir, that was from July to December.
Q Where had you been living the fore part of 1867, there at home on that place? A Yes, sir.
Q What were you doing there then? A Farming.
Q What were you doing in January of 1867? A I don't know.
Q What were you doing in February, of 1867? A I expect we were clearing land.
Q You haven't any definite recollection about that? A No, sir.
Q That has been a good while ago? A Yes, sir.
Q Just after the war? Yes, sir.
Q You say that Mr. Nathan Duffin was there in 1868? A Yes, sir.
Q What time in 1868? A There till fall anyway; he raised his crop.
Q What month in 1868 did he leave? A I don't know, I know he was there in 1868.
Q How do you know? A I worked with him.
Q What at? A Plowing corn.
Q You and he plowed corn together in 1868? A Yes, sir, right together.
Q What time of the year? A Along in June and July, not much in July, corn got too big.
Q You don't know what you were doing in January and February 1867, only that you worked there on the farm? A That's all.

Q You think Nathan Duffin raised a crop there in 1868, and left in the fall of 1868? A He left in the fall or the next spring.
Q Did his sons and daughters remain there after he left? A No, sir.
Did they all go away together in 1868? A Yes, sir.
Q You never saw them after that, except George at your place in Garnett once? A Yes, sir.
Q You don't know anything about them after they left there in 1868? A No, sir.
Q Coming back to the Gibson place, please state what direction from the main or principal house on the Gibson place was this little house in which Nathan Duffin lived? A It was pretty near west, as well as I can recollect.
Q How far from the principal house? A Two or three hundred yards.
Q Right west? A I think so.
Q Couldn't have been southwest? A I think they had a log house in the timber like, about half a mile but I don't think the Duffins lived in that house; I think man by the name of ----- I dm don't remember his name--- he was a Yankey, lived there.
Q You said a while ago they lived in a little house, yankee frame? A There were two families lived on this Gibson place if I remember right.
Q One in a log house? A Yes, sir, that somebody lived in.
Q Duffins didn't live in that house? A I don't think so.
Q How far was this little yankee frame house from the log house in the bottom? A It was half a mile, I think.
Q In what direction from the log house in the bottom was the yankee frame house in which they lived? A It was north.
Q Do you know who built that log house? A No, sir.
Q Are you sure that that log house was on the Gibson place? A Yes.
Q Are you sure that this little frame house was on the Gibson place? A Yes, sir, I now it was.
Q And you know that the principal house on that farm was also on what you call the Gibson place? A Yes, sir.
Q Then all three were on the Gibson place? A Yes, sir, there were three houses on it.
Q You speak about these parties having a lease there on your father's farm, are you positive about that? A I never seen the lease but that was my understanding.
Q Isn't it a matter of fact that a man by the name of Mayfield had that lease? A Mayfield had a lease, too.
Q Isn't it a fact that they never had a lease on your father's place? A I don't know; that was my understanding.
Q Then you don't know of your own personal knowledge? A No, I know-----
Q Isn't it a fact that they lived in a little room built up against the house that Mayfield lived in? A They lived in the log house; I think it was a double house.
Q Are you sure that the house you say they lived in was on your father's farm? A Yes, sir.
Q You are positive about that? A Yes, sir.
Q Are you positive that they lived on Gibson's farm at any time? A Yes, sir, I think they are the same people.
Q Isn't it a fact that it was Mayfield that lived on the Gibson farm and that Duffins didn't live there at all? A I got them mixed if it wasn't them.
Q You don't know absolutely of your own knowledge, do you, Mr. Campbell? A That is my opinion.
Q But as to the fact you are not certain, are you? A I am pretty certain, yes, sir.

Q If it turns out that they never did live on it, you are mistaken, then? A I would be, yes, sir.
Q I will ask you again if it wasn't the Mayfields that lived on the Gibson place and Duffins never lived there? A I don't think the Mayfields lived on the Gibson place.
Q But if they did you are mistaken? A Yes, sir, without they all lived there like they did down be ow.
Q Isn't it a fact that Mr. Mayfield took a lease on the Gibson place and there was no house at all on the Gibson place at all?
A Yes, sir, there was a house on the place.
Q You are sure of that? A Yes, sir.
Q Can't be mistaken? A No, sir.
Q What date was that? A 1865.
Q You are positive it was 1865 when you saw them, what month was it: A It must have been September.
Q Then it was in the fall or winter of 1865? A Yes, sir.
Q And you are positive there were three houses on the Gibson place? at that time? A It may not have been at that time, but there were three houses.
Q How many houses at that time? A Three, I think, that is my recollection.
Q This log house, one frame house and the principal house? A Yes sir.
Q What kind of a house was it? A Story and half house; kitchen to it, facing the east, a shed kitchen.
Q Do you know what was the occasion of George Duffin's being at Garnett when you say you saw him? A No, sir.
Q Did you learn from him where he had been or was going? A I never asked him; I might have, but I don't recollect it.
Q Do you remember anything about his having [illegible] school at Baker University? A I believe he told me he had.
Q How long did you converse with him that day? A Not very long.
Q Do you remember that he said to you at that time? A No, sir, I don't remember what we talked about.

By Mr. Davenport:
Q Was George big enough for you to recognize him now if he should see him? A I wouldn't know him.
Q Had George had any conversation with you since you have been here this time? A No, sir.
Q You have been around here with him since yesterday? A Yes, sir, but I didn't know that was him for certain.

By Mr. Blue:
Q Are you able to identify any of these people? A No, sir, not for certain, I think that is George.
Q But you don't pretend to say absolutely that it is? A No, sir.

THOMAS FOSTER, being first duly sworn, testified as follows:

By Mr. Davenport:
Q What is your name? A Thomas Foster.
Q Where do you live? A Garnett, Kansas.
Q You are a citizen of the United States? A Yes, sir.
Q How long have you lived in Garnett? A Come there in 1865.
Q Do you know a gentleman by the name of Campbell at Garnett?
A Yes, sir.

Q Did you live with him? A Yes, sir.
Q What was his name? A J. Y. Campbell.
Q While you were living with him did you get acquainted with a family of colored people by the name of Duffin? A I did.
Q Do you know what year you got acquainted with them? A I think it was in the fall of 1866; either in the fall of 1866 or the spring of 1867, I think it was in 1866.
Q Where were you living at that time? A On Mr. Campbell's farm.
Q How many were there in family if you know? A Must have been four or five, I don't know exactly.
Q Did you know the old gentleman's name? A I did.
Q What was it? A Nathan.
Q Did he have a wife at that time? A I think he did.
Q Did he have any children? A Yes, sir.
Q Did you know any of the children's names? A No, sir, I couldn't say that I do.
Q Do you remember the sex of the children, whether boys or girls?
A Part of them girls and part boys.
Q How long to your own knowledge did he continue to live on Mr. Campbell's place? A Two years.
Q What circumstances, if anything, cause you to remember that he remained there two years? A One of them was, I remember I very often used to go there and work there with the boys or folks on the same.

Mr. Blue: Objected to as not responsive.
Commission?: Objection noted.

place, and another?N than Duffin ran a big protracted meeting right close to us, and I used to attend that in 1867.
Q Do you know what year they moved off of Mr. Campbell's place?
A No, sir.
Q Do you know whether or not they were there during the crop year or 1867? A Yes, sir, they were.

By Mr. Blue:
Q Where do you reside now? A In Garnett, Kansas.
Q How long have you lived there? A Ever since 1865.
Q What is your business? A Laborer; I am in the ice business; have been for a year or two.
Q You mean you are the operator in the ice plant? A No, sir, we put up our own ice.
Q You are simply a laborer? A Yes, sir.
Q Were you a laborer when you knew these people on the farm? A I was.
Q You were married then? A No, sir.
Q Are you now? A Yes, sir.
Q How old were you when you knew these people? A 13 or 14.
Q Where did your parents live then? A About three miles from there.
Q Was your father living there? A Yes, sir, but they were not living together. My mother lived on her stepmother's farm.
Q Are you any relation to John Foster? A No, sir.
Q Were you born in Anderson County? A No, sir.
Q Where were you born? A In Missouri.
Q What part? A In McDonald County.
Q How long did you remain in Missouri before you moved to Kansas?
A About nine years.
Q Then you were nine years old when you came to Kansas? A Yes, sir.
Q Where did you come to in Kansas? A Leavenworth.
Q How long did you remain there? A About three years.

Q Then where did you go ? A To Garnett, Kansas.

You mean you moved to the Station of Garnett? A No, sir.
Q How near to the Station? A About 2 1/2 or 3 miles.
Q Were you employed by Mr. Campbell to work for him? A I was bound with them.
Q Bound by? A Yes, sir.
Q Did you stay there all the time then? A I was there; that was my home all the time.
Q Were you there nearly all the time? A Part of the time, maybe, two or three months in the year, I was hired and would be about eight miles from there.
Q For Campbell? A Yes, sir.
Q That in Anderson county? A Yes, sir.
Q You say you were about 13 or 14 years old then? A I said I was in '67 or '8.
Q Which is it? A In 1867 I was 13 years old.
Q You were nine years old when you left McDonald County? A About that.
Q Was the war going on then? A Yes, sir.
Q And you went to Leavenworth and lived there three years? A Between two and three years.
Q Then you came from Leavenworth down to the vicinity of Garnett? A Yes, sir.
Q When were you born? A August 6, 1854.
Q And this was in 1866 you say that you saw them there? A I said in 1867.
Q The first time you saw them was in 1867? A As near as I can remember, yes, sir.
Q You didn't see them there in 1866? A I would not be positive that I did.
Q You saw them in 1867, at what time of the year? A During the whole year, from the spring to the fall.
Q Were they there in 1868? A Yes, sir.
Q Were they there in 1869? A I would not be positive; I don't know.
Q Were they there in 1870? A I don't know; I wasn't there, myself. I went to Chatauqua County.
Q When A In 1870.
Q From what place? A Centralia City, about 10 miles from my home.
Q In Anderson County? A Yes, sir.
Q When did you leave Centralia Station for Chatauqua County? A In the spring of 1870.
Q What did you do in Chatauqua County?

Mr. Davenport: A Objected to as immaterial, incompetent and irrelevant.
Commission: Objection noted.

A I farmed.
Q For yourself or someone else? A Mr. Campbell.
Q The same Mr. Campbell you said you were bound to in Anderson County? A Yes, sir.
Q You were still bound in Chatauqua County? A Yes, sir.
Q You say you knew Nathan Duffin? A Yes, sir.
Q Did you know his wife? A I knew her, I expect, but I don't know her name.
Q Were you ever in his cabin? A Yes, sir, I have eaten meals there.

Q Where was his cabin? A Right south of where we lived on the farm.
Q On Mr. Campbell's farm? A Yes, sir.

Q When did the Duffins move to the Campbell's farm? A I am not positive whether it was in 1866 or 1867.
Q Were you there? A I was.
Q Did you see them move in on the place? A I can't answer.
Q Do you know? A I don't.
Q You are not able to say that you saw them move there? A No, sir, I couldn't say that I saw them move there.
Q What family did Nathan Duffin have at that time? A It was four or five in the family.
Q Who were they? A I couldn't tell the names.
Q Do you remember the names of any of them? A No, sir.
Q Do you remember whether they were all boys or all girls?
A Part boys and part girls.
Q How many girls? A I think two.
Q You don't know? A No, sir.
Q How many boys? A Two boys.
Q Are you positive about that? A Yes, sir.
Q Do you remember their names? A No, sir.
Q What was the business of Nathan Duffin? A Nathan, himself, farmed.
Q Didhe have any other business? A He preached.
Q You say he held a meeting there? A Yes, sir, in our school house.
Q Campbell school house? A Yes, sir, some called it the Simon school house.
Q How long did that meeting last? A I think about a month.
Q You say you attended it? A Yes, sir very regularly.
Q All the time? A No, sir.
Q Did Nathan Duffin preach there during that time? A He was the leader.
Q Any other preachers? A Yes, sir.
Q Do you remember any of them? A Yes, sir.
Q What were their names? A A white man by the name of Tolbridge.
Q Do you know where he is now? A I think in the penitentiary.
Q What makes you think he is in the penitentiary? A I heard he was and all the neighbors heard it.
Q Was there any other preachers there? A Not that I remember of.
Q You say you ate meals down there at Duffins, was any other family living in any part of the house? A Yes, sir.
Q Who were they? A Mayfields.
Q White or colored? A Colored.
Q What kind of a house was it? A Double log house.
Q How many rooms? A Two rooms.
Q How much of a family did Mayfield have? A I don't remember.
Q Did they all live together? A Yes, sir, in separate rooms, two rooms to the house.
Q How are you able to distinguish between the families then? A I could tell them apart.
Q Did Mayfield have any family? A Yes, sir.
Q Q How much of a family? A I don't remember how many.
Q Did he have any boys? A I couldn't say.
Q Did he have any girls? A I couldn't say; he had girls or boys, one or the other.
Q Do you remember what Mayfield's first name was?

Mr. Davenport: Objected to as incompetent and immaterial. We are not trying the Mayfield case.
Commission: Objection noted. Witness will answer.

A I don't know.

Q What was his wife's name? A I couldn't say which one of them was named Nicey, but one of them was.

J. M. Johnson, being first duly sworn, testified as follows

By the Commission:

Q What is your name? A J. M. Johnson.

Q How old are you? A 53 years old.
Q What is your postoffice address? A Garnett, Anderson, County, Kansas.
Q Do you know the applicants in this case, George W. Duffin and his brothers and sisters.? A Yes, sir, I know the boys.
Q Have you testified in this case before? A I did in the Nathan Duffin case.

By Mr. Davenport:
Q When did you get acquainted with them? A They came to our county in 1863 or the early part of 1864.
Q When did they leave that County? A Sometime the latter part of 1869 or the early part of 1870, I think 1870.

By Mr. Blue:
Q How old are you? A 53 years old.
Q Are you Alex's oldest boy? A Yes, sir.
Q What is your business? A Abstract business.
Q You used to be a travelling man? A No, sir.
Q At no time? A No, sir.
Q When you say these people came there how old were you? A I was 12 or 13 years old.
Q Did you ever visit the place where they lived? A Yes, sir.
Q Where did they live? A First at what was known as the Bales place one mile from Garnett.
Q When was that? A In 1863 or '4.
Q Which one? A I don't know which, the latter part of 1863 or the early part of 1864.
Q Where did they next live? On George Campbell's place, three miles southeast of Garnett.
Q How long did they live there? A Until Mr. Campbell sold the place in 1869, to Judge Spriggs.
Q Then where did they go? A I don't know.
Q What time in the year 1869 was the place sold? A Sometime in the fall.
Q What was Nathan Duffin's business? A Preacher and farmer.
Q Did he travel around and preach in different localities? A Principally in that part of the country.
Q Was he off sometimes? A Yes, sir, sometimes.
Q How many members of his family? A I don't know any except George and Frank and the old gentlemen and his wife.
Q That is all you know? A Yes, sir.
Q Were you ever at his place more than once? A Probably 20 or 30 times.
Q On which place? A Both.
Q Bales? A Yes, sir, and Campbell's.
Q How did you happen to go out in the country where they lived?
Q They lived on a farm that joined my uncle's place, Gibson's.
Q Did they ever to your knowledge live on the Gibson place? A No, sir.

Q That's the way you saw them? A Yes, sir.
Q You didn't make a habit of visiting them? A No, sir, except down on the creek we boys would play together.
Q You were a boy yourself? A Yes, sir.
Q Something like of a boy yet, aren't you? A Yes, sir, like yourself.
Q Now as I understand you, are not positive as to dates, you knew them in a general way? A There are two I remember; one when they came and the other when they left Campbell's place.
Q What refreshes your recollection as to the time they came there?
Q At the time they all came there.
Q When was that? A Some in 1863 and some in 1864.
Q Some in 1862? A Not that I know of.
Q You mean the colored people from the Cherokee Nation? A Yes, sir.
Q These people never had any farm or abiding place of their own up there? A Not that I know of.
Q What they did do was to crop, as you said? A Yes, sir.
Q They didn't have any home of their own? A No, sir, they rented.
Q During the winter season especially didn't the old man travel around and hold revival meetings? A I don't know.
Q You don't pretend to say that you knew where they were all the time?
A Not at all times of the year.
Q You don't make any pretention of that? A No, sir.

(Continued by agreement until July 28, 1904.)

July 28, 1904, Applicants appear in person and by attorney, R.V. Blue, and the Cherokee Nation by its attorney, James S. Davenport, and the following testimony introduced on behalf of the applicants:

MARIAH FRENCH, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Mariah French.
Q How old are you? A In my 49th year.
Q What is your postoffice address? A Lenapah.
Q Are you a Cherokee freedman? A No, sir.
Q State woman? A Yes, sir, only adopted.
Q Do you know the applicants in this case, George B. Duffin, et al?
A Yes, sir.
Q How long have you known them? A About 38 years.

By Mr. Blue:
Q Did you know Nathan Duffin in his lifetime? A Yes, sir.
Q When and where did you first see him? A First on Snow Creek.
Q In what Nation and Territory? A Cherokee Nation.
Q In what Territory? A In the Cherokee Nation, this country.
Q Indian Territory? A Yes, sir, not in the Creek Nation.
Q What is your father's name? A Stephen Little.
Q Has he been married more than once? A Yes, sir.
Q Are you a daughter of his? A Yes, sir, I was always teached that.
Q Are you a daughter of his by his present wife? A No, sir, my mother I don't know.
Q When did you first come to the Cherokee Nation? A We came here in 1860.
Q Who came with you? A My father and my stepmother, and three other children, one brother and three other men, eight persons in all of us.

Q From what place did you come to the Cherokee Nation? A We came from Leavenworth County, here, Kansas.
Q When did you arrive at Snow Creek in the Cherokee Nation? A On the 15th day of April.
Q Of what year? A 1866.
Q Where has your father kept his home from that time until now? A He has been there all but one year ever since we come here; one year he stayed in Newton County, Missouri.
Q When was that? A In 1874 .
Q Did he have a home here while he was in Newton County, Missouri, in 1874? A No, sir, they had sold our home; the Cherokee Nation sold our home.
Q When did he return? A That same year in January, the first of the last of December.
Q Do you know whether or not your mother is on the freedmen roll, youn stepmother? A No, sir, I don't.
Q Your father has been here only that short time he was away in 1874? A Yes, sir, ever since.
Q How did you happen to see Mr. Nathan Duffin at the time you say you did, did he come to your place where you were? A He came to our tent, we had no house then.
Q Did he come alone or with some one? A There was quite a bunch of men with him, seven or eight.
Q Do you know what was the occasion of their being there? A They were hunting horses they said were stolen.
Q Did you see him more than once at your father's place where he was stopping about that time? A Yes, sir.
Q How often did you see him about your father's place about that time?
Q I seen him once on Sunday, when he first come, and he went off and come back on a Tuesday.
Q Do you know what was the occasion of his coming back the second time? A He had stayed all night at a white man's house up the creek and the man wanted pay for his board, and he come back down there to get it.
Q Do you know whether or not he got it? A No, sir, I don't know.
Q Do you know either of the men that came with him at either of these times? A Yes, sir, but they are most all dead.
Q Who were they? A One was George Eaton, Lewis Beck, Sam Mosely, Santa Ann Nivens and Mose Smith thats dead, and old man Duffin himself.
Q What was the business of Mr. Nathan Duffin, if you know, in his lifetime, what occupation or profession did he have? A He was a preacher.
Q After you saw him there in 1866, as you stated, did you see him afterwards in the Cherokee Nation? A He preached for us all the time.
Q Did you have a church or place of worship there about? A We didn't have no churches; in the summer time we would have a large shed and brush on it; in the winter time he preached at peoples houses.
Q What, if anything, did he do in regard to establishing a home there in 1866 or '7? A After he got over there and got acquainted, I used to go to his house.
Q Were you at his house or cabin in 1866 or '7? A No, sir, not in 1866.
Q When were you first at his house? A After we had settled there, about '66, we had a school at our house, and the teacher would stay with us and they would come to school there, his children.
Q When did you first get acquainted with his children? A When they come to school.
Q That was in 1868? A Yes sir.

Q What were the names of the children? A The oldest one was George Butler, and Joshua and Eliza and Sarah and Henry.
Q At the time Mr. Nathan Duffin came to your house in 1866, what, if anything, did you hear him say about establishing a home in the Cherokee Nation?

Mr. Davenport: Objected to as incompetent, irrelevant and immaterial, and pertaining to be a declaration in the interest of the applicant.
Commission: Objection noted.

A I never heard him say anything, he was living there.
Q Was he living in the Cherokee Nation in 1866 when youfirst saw him? A I guess he was; he come from over there.
Q What time was it when you first saw Mr. Nathan Duffin there in the Cherokee Nation? A We were in the tent and corn was waistm high.
Q Do you remember what month it was in? A No, sir, I don't.
Q Was your father at home at that place where you had located, when Nathan Duffin came in 1866 ? A Yes, sir, he was there.
Q About what time in the day was it when the men that were in the party first came to your place? A It was away up in the day on Sunday and they wanted dinner.
Q Did they eat dinner there? A I helped cook dinner for them.
Q You are positive that that was in 1866? A Yes, sir, I am.

By Mr. Davenport:
Q How old are you? A I am 49, in my 50th year.
Q Where did you come from when you came to the Cherokee Nation?
A From Leavenworth County, Kansas.
Q You hadn't known the Duffin family before you claim the old men came to your place there on that Sunday? A No, sir.
Q How old were you then ? I was in my 14th year.
Q You are sure you were in your 14th year? A That is what they told ~~mk~~ me.
Q I am asking what you know? A I couldn't tell me age; it was set down.
Q Was that the way it was set down, that you didn't see him until you were 14? A I never came here, myself, until I was 14.
Q You never came to the Cherokee Nation until you were in your 14th year? A No, sir.
Q And you are in your 50th year now? A Yes, sir.
Q You are an applicant to citizenship? A Only an adopted citizen.
Q How much land did you have in cultivation when Duffin and these men came? A We had little small patches.
Q About how much? A I don't know, may have been four acres or ten acres, small patches.
Q Who did you live near at that time? A We didn't live near anyone; no one there to live by.
Q Who were the nearest people to the place you lived at the time Duffin came to your house, as you claim? A About seven or eight miles to Osage towns.
Q Were any of your family at that time claiming that they were freedmen of the Cherokee Nation? A My stepmother claimed to be a Cherokee freedman. That's what brought her here.
Q She had heard of the treaty and came back to the Cherokee Nation?
A Yes, sir.
Q The treaty had been made and she heard that the freedmen by the treaty had got rights in the Cherokee Nation? A That is what she came home for.

Q Who else came with youat that time that were freedmen entitled to rights in the Cherokee Nation and came back to get the benefits of of the treaty? A Wasn't any, a man belonged to the Cherokee Territory came, right in this town now.
Q Hou had been there, you say, and had a crop waist high or better before Duffin came.? AYes, sir, about waist high.
Q How long after he came was it, you say, until his family came? A I never seen uncle Duffin's family at all until he brought the children over to school.
Q When was that with reference to the time you saw him? A In 1868.
Q How big was George Duffin at that time? A Good big boy, a young man.
Q The other children were good big children, too, were they? Liza was small, had a short dress, and Sarah had a short dress.
Q Did the school teacher board at your house? A Yes, sir.
Q Who was he? A Lewhe.
Q Where is he now, do you know? A No, sir.
Q Is he living? A I don't know.
Q Is there one living now, that was living when you saw Nathan Duffin first on Snow Creek, when you were living there, as you claim? AQ There was no ones there.
Q When he came down there, you say he came to see your father about getting some money to pay some fellow for staying all night? A No, sir, I didn't say that.
Q When was it he came for that purpose? A He came back in a day or two afterwards.
Q A white man he stayed with?A Up on Pumpkin Creek he said.
Q Do you know who the white man was? A No, sir.
Q How far was Pumpkin creek from Snow Creek? A I guess about 15 miles, or more.
Q Do you know anything about it?A No, sir, I don't.
Q They were hunting stolen horses the first time? A That is what they said.
Q Who was with Duffin?A George Eaton, Lewis Beck, George Meigs, Sam Mosely, Santa Ann Nivens and Mose Smith is what they gave us their names.
Q You were a girl at that time 14 years old? A Yes, sir.
Q And you only saw this man there, yourself, one time? A Yes, sir.
Q And remember to-day the names of all of them in that crowd? A Yes, sir, because afterwards we were close neighbors and got acquainted and saw them all the time.
Q Can you remember another indident where you metthe same number of people in 1866, where you can tell all the names of the parties that was saw? A Yes, sir, if necessary I guess I could tell it.
Q Name one? A They wasn't there to meet, and it was ararity to meet anyone there.
Q In a year or two after that quite a number came, didn't they?
A They came before a year or two.
Q How many got in there and were living there when yousaw Duffin's family in 1868? A They come pretty fast; there was Posey Gibson, Beau Fox, Jake Ross, Joe Ross, Stick Ross and Ed Ross, all come in one bunch at one time.

By Mr. Blue:
Q Do you know anything about your age, at that time, except what had been told you by your parents? A No, sir.
Q You don't undertake to swear positively that you were 14 years old then? A Nothing only what they told me.
Q You might have been less, or maybe more? A Yes, sir.

Mr. Davenport: Objected to as incompetent and suggesting the answer to the witness; she stated positively her age and said it was recorded.

Commission: Objection noted.

Q Are you positive as to your age? A No, sir nothing more than my father told me.
Q When you state that you think you are in your 50th year now, you think it from your own knowledge of what your father told you? A I said it from what he told me; I have got it set down just as he told me.
Q Are you positive that you saw this man where your father was stopping in 1866, as you have stated? A I am sure I saw them.
Q Are you positive as to the time you saw them? A Yes, sir, I am positive as to the time I saw them.

By Mr. Davenport:
Q What portion of Snow Creek was this you located on? A It would be hard for me to tell you, unless I had a map.
Q Who were your first neighbors that come in there? A Amos Adair and Woodson Lowe and olduncle Ben Alberty.
Q And you are positive you were in your 14th year at the time you moved down to the Cherokee Nation? A I don't know ; that is what my father told me.
Q He gave you the date you were born? A He said it.
Q Did he tell you what year you were born in? A No, sir, he didn't
Q You were big enough to remember when you moved to the Cherokee Nation? A We had just come there.
Q You can remember the coming? A Yes, sir.

STEPHEN LITTLE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Stephen Little.
Q How old are you? A 80 years old.
Q What is your postoffice address? A Lenapah.
Q Are you a Cherokee freedman? A I am not.
Q Are you the father of this woman who has just left the stand, Mariah French? A Yes, sir.

By Mr. Blue:
Q When did you first come to the Cherokee Nation? A In '66.
Q To what place in the Cherokee Nation did you come? A Snow Creek.
Q You went to where you reside now? A It is about six miles.
Q How long have you resided, altogether in that neighborhood?
A All the time ever since I come here; I aint been out of here not over six months at a time.
Q You mean out of the Cherokee Nation? A Yes, sir.
Q How did you happen to come in the first instance in 1866? A I had two instances that directed me here. Irving and Jackman, traders on the Santa Fe, they got me to come down here to take some cattle 160 head of steers, at salt lick down here to winter them, and hired me to come down here and herd them the next spring, and Irving married my old mistress' daughter, and he owned me and got me to come down and take care of the cattle, and give me $80 a month, and said being my wife had a right here, I could do better and grow up with the country.

Q In what business was this firm of Irving and Jackman? A They were traders to Sante Fe.
Q What do you mean by that? A They xxx carried trains across every year, 100, 200 or 300 ever year, wagon trains.
Q How were these wagons pulled? A By oxen.
Q Were these cattle that you brought down oxen they had used?
A Yes, sir, and brought them here to winter until the next spring when they got fat and put them on the market.
Q When spring came did they take the cattle away? A When I got down here on Pumpkin Creek, I met a young man, what I know well, with the cattle, and Jackman was out on Salt Lick, Jackman had sold

the cattle at Salt Lick and Irving didn't know it and got me here to take care of them, and I met the cattle going north when I come, and I come down on Snow Creek and took a place.
Q Did you bring the cattlewith you to Snow Creek? A No, sir, they were in there when I seen them; Jackman had sold them to another party.
Q When you come to Snow Creek what did you do in the way of making a home? A The first thing I done I put me up a camp, put a top on it and split logs anaput up a slice and covered it and put in about four acres of corn that spring.
Q On what day of what month did you reach this place where you established a camp? A In April.
Q Of what year? A '66.
Q Do you remember what day of April 1866? A I don't; it is too long off.
Q How long did you continue at that place where you established the camp? A Seven years.
Q During the time that you were at that place on Snow Creek in the Cherokee Nation did Nathan Duffin come to your camp: If so, state all the circumstances connected therewith? A Nathan Duffin didn't come there then; there was seven men come there on the hunt of some stolen horses off of Big Creek, they said, I didn't know there was a colored man in 40 miles of me, for I seen nothing but the Indian Osages, and the first thing I knowed on Sunday morning seven men rode right up there and said some horses had been stole off of Big Creek, and they went on up by Blackhawk Town and, and they went on up in there and was gone until Tuesday they went on up some creeks, higher up the creek about the forks of Snow Creek and went on up to Big Hollow and near to where Cherryvale is-------

By the Commission:
Q Were you with these men on this trip? A I wasn't with them, but they told me.
Q Then you don't know it of your own knowledge? A No, sir, only when they come back they had one horse and-----

Q Just state what you know about it? A Well the next time I seen them Nathan Duffin come to my house and a man, John Luckboy, told him about me when he come to my house he wanted to get $10, for he stopped at a white man's house up there, and he though he could stop and get up and go on, and the white man told him "No." And he come to me and I got him $10 and I took his word of honor about paying it back.

By Mr. Blue:
Q When was that? A In '66.
Q What time in '66? A Something along, I know it was in June; the leaves were on the trees heavy.

Q Did you make any memorandum of any kind of the fact that you loaned him $10? A I didn't have to; I never would forget it; never will forget it till I die.
Q You know you loaned him $10. on that day? A Yes, sir, and he brought it back.
Q Who brought it back? A Lewis Beck.
Q When? A About three weeks, as well as I can recollect.
Q At that time, In June, 1866, did you have a crop there at that camp? A Yes, sir, had a crop there then.
Q When did you next see Nathan Duffin after you loaned him the money? A I never had any acquaintance with him and never seen him any more until at the old Duffin place two or three years after that; I didn't know where he lived then or nothing about him.
Q In your conversation on that Tuesday when you loaned him the money, did he say anything to you about his having a home in the Cherokee Nation? A He said he was going to be a neighbor, and said I should have the money again if God spared his life, and in about three weeks he sent the money by Beck.
Q ~~Yes I did! [illegible]~~ You say you didn't see him any more until a year or two? A No, sir, the next time I seen him he had a house up and was breaking out.
Q When was that? A Two or three years after.
Q Was that house that you speak of on his old place? A Yes, sir.
Q What business did Nathan Duffin follow? A Preached and farmed.
Q In regard to his habits, whether he stayed at one place or in the pursuit of his occupation, did he preach at one location or change about? A He preached here and on Big Creek and I don't know where else.
Q Do you know anything about his preaching in the States anywhere? A I didn't; I never had seen him until I loaned him that money, but I heard of him.
Q Do you know whether or not he was a slave before the war? A I heard him say-----

Mr. Davenport: We object to what he heard.
Commissioner: Objection noted.

Q State what you know? A I don't know whether he was or not.
Q Did you ever hear him preach? A Yes, sir.
Q Did you belong to his church? A No, sir, I don't belong to any Protestant church.
Q Did he have a church down there in the neighborhood where he resided? A Yes, sir.
Q Did you become acquainted with his family afterwards? A The boys and girls all went to school in my house.
Q Do you know them now, the boys and girls, when you see them? A I know them as well as I know my own.
Q Can you remember the names of those children? A Yes, sir.
Q What were their names? A Joshua, Butler, Sarah and Eliza.
Q Did Butler have any other name? A I never heard any.
Q Never heard him called George? A George Butler.
Q You call him Butler? A Yes, sir.
Q When was that that the children went to school at your house? A It was about, as well as I can recollect, about '73 or '4, somewhere along there, I aint sure, about '73.
Q Who was the teacher? A A man by the name of Loshe.
Q Do you know where he is? A I don't know; I have heard them say he is out in Colorado.

Q You don't know? A No, sir, he is as old as I am; he may be dead.
Q Do you know Judge Keys? A Ask him.
Q When did you first get acquainted with him? A That was about, I expect, pretty near thirty years.
Q How soon after you came ~~xx~~ into the Cherokee Nation did you first become acquainted with Judge Keys? A Well, I think about the second election, ~~xxxxxxxxxxxxxxxxxx~~ I didn't get acquainted with him the first election.
Q When was that you got acquainted with him? A I think it was something about '67.
Q Have you known the Judge ever since then? A Yes, sir, ever since then, I have known him.
Q Do you remember the names of any of those men that first came to your house inquiring about the horses in 1866? A I know two.
Q Who were they? A Santa Ann Nivens and Wils Towers.
In regard to the school at your house, are you positive about the time when that school was going on at your house, might it not have been earlier than that? A I had built two more new houses; I had been there two or three years, anyway.
Q You mean you had been at your house two or three years? A Yes, sir, I had built two rooms and give one for the school.
Q Then if you went there in 1866, it was 1866 or '7, that the school was there? A It might have been, I couldn't keep that exactly in my mind.
Q Were there any other children attending that school except yours and the Duffin children? A There were lots of them, they had 40.
Q All children all together? A About 40.
Q How soon after you came there in 1866 did you begin to have neighbors there? A I had some neighbors there, Ben Alberty come that fall; Amos Adair come that fall, and Wilson Lowe.
Q What was the fact about others coming soon after that? A Lots of them came soon after that; I don't recollect; they kept on coming.
Q When the school was going on they used one of your buildings?
A Yes, sir.
Q You don't know exactly as to the time, whether it was 1866 or not?
A No, sir, I don't know exactly the time.

By Mr. Davenport:
Q Where were you, uncle, during the war? A During the war I was in the Cherokee Nation part of the time.
Q Were you anywhere else? A Yes, sir.
Q Where? A I was in Van Buren time of the fight at Prairie Grove.
Q Where were you when the war closed? A I was at Leavenworth with, when the war closed, I helped shoot off the guns the salute of the President's death.
Q Where had you lived prior to the war? A In the State of Missouri.
Q You met your wife ~~xx~~ at Leavenworth during the war? A No, sir, I met her right in this Cherokee Nation on Drywood.
Q Where was that? A Seven miles this side of Fort Scott, in the Cherokee Nation.
Q How far this side of Fort Scott? A Seven miles.
Q In the Cherokee Nation? A Yes, sir.
Q When was that that you married her? A In '62; '61 caught us down here in the Cherokee Nation somewhere, and I told her I would not marry an woman a slave, and when I got to the Kansas line I married her.

Q You married her within seven miles of Fort Scott, Kansas, then, on the Cherokee Nation side? A Yes, sir, on Drywood.
Q You remained there until after the war? A She remained there until after the war, yes, sir.
Q [illegible] Irvin and Jackson and they wanted you to come here and herd some cattle for them? A Yes, sir.
Q [illegible] told you your life had a right? A Yes, sir, she xx always said she had a right here; I don't know.
Q Did Irvin and Jackson tell you your wife had an interest in the Cherokee property and funds and did they tell you she ought to come back? A Yes, sir.
Q Then it was after the treaty xxxxxx was made that you had the talk with Irvin? A Yes, sir.
Q You came to the Cherokee Nation the first crop season after the treaty was made? A I come in '66.
Q Before or after the treaty? A It xxx is after the treaty.
Q You came in April after the treaty was made? A Yes, sir.
Q And settled on Snow Creek? A Yes, sir.
Q You have been living in that community ever since? A Yes, sir.
Q When you came to the Cherokee Nation, you had a crop planted and it was nearly waist high before you had heard of Nathan Duffin, hadn't you? A Before I seen him, but I had heard of him.
Q He didn't come to your house until the crop was waist high or more did he? A He come there in June.
Q The same year you came in April? A Yes, sir.
Q Who came with you when you came to the Cherokee Nation, if anyone? A Jackson; there in town that come with him, Philip Chesser, and my brother, four of us come.
Q Did you bring your family at that time? A Yes, sir.
Q How did you travel? A I travelled in wagons, and come with Dock Buckhead, and Dock Buckhead's boys come together.
Q Was Snow Creek the first place that you settled when you came? A They went in there.
Q What part of Snow Creek did you come to? A Right in the forks of the Creeks, Verdigris and Snow Creek.
Q Near whose place now? A The nearest place to it now is Wilson Murrell's place it.
Q Any Cherokee or white men lived near you? A None.
Q Now uncle, near where place now? A I don't know; I aint been there in a long while.
Q You don't live there now? A No, sir, I live [illegible] miles from there.
Q You don't know [illegible] first settled? A No, sir.
Q Was Wilson Murrell's [illegible] still [illegible] settled?
A Yes, sir; he [illegible].
Q He was several years after you [illegible] the school that you speak of? A Yes, sir, two or three years, I helped build a double log house and let them have a room.
Q Who was the first Delaware you saw? A I saw lots of them; couldn't remember the first.
Q Do you remember any of their names of any of them? A Old man Buckhead, and John Jackson, Mrs. Hoontravellar, and Mrs. Smith.
Q Do you know any of them that are alive now? A No, sir, they aint any of them living now hardly.
Q How far is Snow Creek from where it empties into the Verdigris river from Coffeyville? A Oh, think like five miles below.
Q You don't know where the Duffin family came from to the Cherokee Nation xxx A No, sir.

Q You had heard of the old gentleman as being a preacher? A Yes, sir

(Continued until 1 o'clock P.M.)
(One o'clock P.M., same [illegible] as this [illegible]); Stephen Little on the stand.
By Mr. Raven ort:
Q Who did you say came to your house [illegible] you first saw Nathan Duffin? A I don't know as I recollect seeing anybody come.
Q Who came with him, if anyone, when you first saw him? A Lewis Beck, I think.
Q Anyone else? A No, sir.
Q When was it that came to your house before, or came that day hunting those horses that claimed were stolen? A Grant Ann Clemens and Wilson Towers.
Then you had seen Wilson Towers in the Cherokee Nation before you saw Nathan Duffin? A I had seen him the [illegible] of the war [illegible].
Q I said in the Cherokee Nation? A Yes, sir.

By Mr. Blue:
Q What day of the week was it that these men came to your house inquiring about the stolen horses? A On Sunday.
Q Then Nathan Duffin came the Tuesday following that? A Yes, sir.
Q And that was the first time that you ever saw Nathan Duffin to know him? A Yes, sir, the first time I ever saw him I loaned him $10 to pay his expenses upon Pumpkin Creek to pay a night's lodging.
Q Do you mean by that that you saw him on Pumpkin Creek, or to pay for the lodging on Pumpkin Creek? A He came to my house on Snow Creek.
Q To get money to pay for the lodging on Pumpkin Creek? A Yes, sir
Q You say you were married to your present wife up at Drywood? A xY Yes, sir, way up there near to Fort Scott.
Q You spoke of that's being in the Cherokee Nation as there where you were married? A They called it the Cherokee Nation; I don't know.
Q Who called it the Cherokee Nation? A Those that belonged to the command said it was the line.
Q Do you know enough about that to know where the Kansas line is? A No, sir, I don't know anything about that.
Q You don't then absolutely know whether it was in Kansas or in the Cherokee Nation, where you were married? A I don't know, but they all said Drywood was in the Cherokee Nation.
Q Who do you mean by all? A Everybody, the whole command said it was the Cherokee Nation.
Q What command were you with? A Col. Cloud's.
Q Did you talk with these men who had the cattle, yourself? A I talked with them myself and made the bargain myself.
Q Where were you at the time you made the bargain? A I was in Platt County, Missouri.

Q Was that before the close of the war or after? A After the close of the war?
Q How long after the close of the war? A It was the next spring? I kept the cattle for them that winter and the next spring he got me to come down there.
Q Do you know in what year the war closed? A I think I do.
Q What year? A In '65.
Q Then it was in the Spring of 1866, that he got you to come down here? A Yes, sir.

Q Did you talk with both of these partners or one? A I only talked with Irving, Jackman was in Salt Lick.
Q Did you get those cattle in your possession to bring them out here A Never got them in my possession; I come here to do so, but met them going north; Jackman had sold them.
Q Did this young man have the cattle driving them out? A Had them on the road, going up to Whiskey trail, going up to Leavenworth.
Q No., you are positive that it was the spring after the close of the war that you located at Snow Creek, as you stated? A Yes sir, I came right down and met the cattle. I stopped at the trading post and inquired how far it was to the Cherokee Nation and they told me, I come down on Snow Creek and stopped Saturday night and Sunday I went over and took this place, the first place that was ever made on Snow Creek.
Q Do you know when the treaty was made between the Cherokee Nation and the United States in regard to the sharing of property with the Cherokees by the freedmen? A I don't know positive; Irvin told me that I could come here and take care of his cattle; and then I could have some money, and said my wife had Cherokee blood and said he I could grow up with the country and become to be a man, and said they had so much edge over me, I couldn't do much there, and said I could grow up with the country down here and be worth something.
Q Is your wife a Cherokee by blood? A Her father is a halfbreed Cherokee. Name out of---- I forget the family,----Thompson.
Q Is your wife on any of the rolls of the Cherokee Nation? A On none of them; I went to Tahlequah when the first beginning of the Chambers court, and they told her she was a doubtful.
Q And she never has been enrolled on any roll? A No, sir.

By Mr. Davenport:
Q Your mind is considerably clearer now than this morning isn't it? A I don't know.
Q You didn't know the year of many things this morning did you? A I don't know.
Q Haven't you talked during the noon hour with the witnesses in this case and all of you gone over the case together? A Me?
Q Yes, you? A I didn't talk with anybody in this case.
Q Haven't you talked with George W. Duffin and Mariah French during the noon hour about this case? A No, sir.
Q Have you talked with anyone about when the war closed, during the noon hour? A No, sir, I told you to-day I was there.
Q Did you tell anybody in your examination this morning what year the war closed? A I didn't know it was asked me.
Q Did you tell anybody this morning how long you stayed in Missouri before you started to the Cherokee Nation? A No, sir.
Q Don't you know that you have talked with somebody since we adjourned at noon about how long you stayed there before you started to the Cherokee Nation? A I know I haven't.
Q You talked with Jackman and he told you to come back down here that your wife had rights here? A No, sir, not Jackman.
Q Tell Irving then? A I said this morning that I didn't intend to come down here.
Q And you came upon his suggestion? A Yes, sir.
Q And you came after the treaty was made, didn't you? A I don't know exactly whether it was after the treaty or not, but he told me my wife would have rights in this country.
Q Didn't you answer me this morning in response to the question I asked you about coming before or after the treaty and didn't you say you came after the treaty? A I don't know.
Q Have you a good memory? A Yes, sir.
Q Do you know whether or not you answered that question that way? A I don't know.

Q You say that the first time you ever saw Nathan Duffin you loaned him $10. to pay for a night's lodging? A I did.
Q You don't know where he was living at the time? A I know where he said he was going to live.
Q You didn't know when he left whether your would ever see him again ? A I didn't, but I told him if he was a man as he said, I would get the money, and he said I would get it.
Q You had your home built at that time? A No, sir, but I had a right smart money.
Q Where was your trading point at that time? A Lushboy is where we traded, then right on the line not the Cherokees, but the Osages.

WASHINGTON BLACKBURN, being first duly sworn, testified as follows:

By Mr. Blue:
Q What is your name? A Washington Blackburn.
Q How old are you? A I am about 67 years old, or 68.
Q Where do you reside? A Anderson County, Kansas.
Q How long have you resided in Anderson County, Kansas? A I have resided there ever since in '70.
Q Did you know Nathan Duffin in his lifetime? A Yes, sir.
Q Where did you first meet him, if you remember? A I first met him in Anderson County, Kansas.
Q Did you reside there at that time? A No, sir, I just went up there to meet the church.
Q Were you acquainted with him in 1866? A Yes, sir.
Q What was his business or occupation generally then? A Preacher.
Q Where was he preaching at that time, if you remember? A Down there in Lynn County, around Mound City, I stayed all night with him many a night, he preached at Rock Point, we call it, west of Mound City.
Q Did you ever talk with him at any time about having a home in the Cherokee Nation? A Yes, sir, we have both talked together about that.
Q What, if anything, did he say to you about having a home in the Cherokee Nation?

Mr. Davenport: The representatives of the Cherokee Nation object to the question on the ground that it is incompetent, irrelevant and immaterial and an attempt made upon the part of the applicants to prove a declaration of a party through whom they claim their rights to citizenship, which would be a declaration in their own interest.

Commission: Objection noted; witness will answer.

A He was talking about it and said he was going back south where he came from and seek a home, and I told him I was, too, and we talked about it, and said we would go now right away, and I said I wasn't ready to go, and he said he was going soon, and I said I was going too after a while, and after that he went home, and I went up to his house and he was gone; they said he had gone on down south to seek a home.
Q In what year was that? A In '66 in the same year in the Spring; this was in March when he was there preaching.

Q About when was it he told you he was going south to seek a home
A Along early in the Spring of '66, along in March in the Spring.
Q When were you over to his place after that? A I was over there, I don't know what month whether it was August of July; wasn't anybody home but the two boys, and they said the father had gone south.
Q What were the boys' names? A One was named, I can't call his name now.
Q Have you seen any of the boys since you come here to-day?
A I seen one that I took to be him by his forehead
Q Can't you think of his name? A Nathan, I think ; I aint sure; I have very poor recollection about calling names.
Q Is his name George? A (No response).
Q Do you remember the names of the children? A One was named George and if this is the one, I don't know.
Q Do you remember the names of any of the rest of them? A No, sir,
Q After he told you he was going south to seek a home in 1866, when did you next see Nathan Duffin? A Never saw him any more; when I went to his house, they said he was gone south, and I never saw him any more.
Q Do you know anything about the boys of the family being back up at Garnett or about there after that.
A Yes, sir, I seed the boys up there, but I never saw Nathan, nor his girls after they left.
Q What were the boys doing up there about Garnett? A The first time I seed them after Nathan was gone, they were there in the farm at the Campbell's, and one I think was going to school after that.
Q Do you know where he went to school? A I don't know; up at Lawrence or somewhere.
Q How frequently did you see the boys up there about 1866? A I cant say that, because sometimes I wasn't there for two or three weeks or a month or two; I saw them a time or two after that.
Q What were they doing when you saw them? A The last I saw one of them was there seeing about going to school.
Q Do you remember when that was? A No, sir.
Q Before that time you say they were at work on Campbell's farm, what were they doing? A Working on the farm the old man had lived on.
Q Do you know anything about who had that farm leased or anything about that at that time? A No, sir, I don't know for certain whether it was the old man or the boys.
Q Did you know a man by the name of Mayfield at that time? A I ought to, he raised me.
Q Do you know whether or not he had it leased at that time? A He had that someway; I don't know the best of my acknowledgement Mayfield leased it in the first place.
Q You don't know much about the leasing business, anyway? A No, sir.
Q The boys were simply working there in the crop season? A Yes, sir
Q Do you know what year that was the worked in the crop.? A That was along in '68, I think it was, the last time, if I aint mistaken.
Q You don't remember about the years? A No, sir, it might have been in the fall of '66.

By Mr. Davenport:
Q Your postoffice is what? A Garnett, Kansas.
Q How far do you live from this Campbell place that Nathan Duffin was living on when you first got acquainted with him? A It is not far, not over two miles.

Q How far did you live from the Campbell place at the time you got acquainted with him in 1866? A I lived in Lynn County then.
Q How far were you from there? A Must have been close on to 25 miles.
Q As I understand you Nathan Duffin was never at your house but one time in 1866? A I don't know; I didn't say he wasn't or was.
Q Was he there more than once in 1866, at your house in Lynn County?
A I couldn't say that he was there over once in '66.
Q Once then in 1866 when he was at your house he had a conversation with you in which he said he was coming back south to get a home?
A Yes, sir.
Q That was in March or the Spring of 1866, you say? A Yes, sir.
Q When did you next see Nathan Duffin after that time, if at all?
A I never saw him any more after that.
Q Had you ever been over to Garnett prior to the time you saw him there at your house in 1866 ? A Yes, sir.
Q Had you ever been to the Campbell, or Johnson's, place there near Garnett? A Yes, sir.
Q Had you ever been to Nathan Duffin's house before he came to your house in March, 1866? A Yes, sir.
Q Then you went over, you say, in July or August, 1866, to the Duffin place and somebody told you Duffin had gone south? They said he had gone.
Q That was in July or August, 1866? A Yes, sir.
Q His family at that time was living on the Campbell place, near Garnett, Kansas? A I saw the boys there.
Q Do you know whether or not he had a wife and daughters? A He had two.
Q You were acquainted with them? A Yes, sir.
Q Did you go to his house? A Yes, sir.
Q Can't you tell me whether or not the wife and daughters were there when you went there? A The last time I went they were not there.
Q Did the boys tell you where the wife and daughters were? A I asked them where was Nathan and they said he went south.
Q Are you positive that that was in July or August, 1866? A Yes sir.
Q Don't you know that George B. Duffin't testimony and all that have testified in his behalf don't claim that the mother and the daughters came south in 1866, with the father, but that Nathan Duffin came alone, so far as his individual family is concerned?

Mr. Blue: Objected to on the ground that it is nor proper cross examination, for the reason that it is assuming something in regard to this testimony which I don't understand to be true, and for the further reason that it is wholly incompetent, i material and irrelevant, and not proper cross-examination.
Commission: Objection noted, witness will answer.

A No, sir, I don't.
Q You don't know of your own knowledge when the family left Garnett, Kansas? A No, sir.
Q Do you know Thomas Foster, a man who was raised by old man Campbell that owned the place on which the Duffin's lived in 1866? A
A I do.
Q Do you know George Campbell? A Yes, sir.

Q How long have you known them? A I have known them about as long as I have known any of them about Garnett; that is George, Tom I don't know.
Q Tom Foster, I am speaking of? A I don't know him personally.
Q Did you know Tom Foster's mother? A No, not to really know her.
Q Old man Campbell raised the two Foster boys, or they worked there for him for a long time, didn't they, after the war?

Mr. Flue: Objected to for the reason that it is not proper cross-examination, is incompetent, immaterial and irrevelant and does not serve any purpose in testimony in this case.
Commission: Objection noted; witness will answer.

A They might have been working for him, but to say I know the boys I don't.
Q When you went up to the Duffin house there in July or August, 1866, were they living there on the Campbell place? A Yes, sir, right on the Campbell place.
Q Was anyone living with them or in adjoining house? A There was somebody, but I don't recollect who.
Q I believe you say you were raised by Mayfield? A Yes, sir.
Q Didn't Mayfield live on the Campbell place when you went up there that time and saw them? A Yes, sir, went to live there.
Q Wasn't Mayfield living on the Campbell place in 1866, or at least the time that Duffin and his family lived there? A Yes, sir.
Q How far apart? A I don't know.
Q Were you over at the Mayfield home? A Yes, sir.
Q Were you over at the Duffin house? A Yes, sir.
Q Isn't it true that it was a double log house and that one family occupied one room of the house and the other family the other? A That may be, I don't know.
Q You were there? A Yes, sir.
Q Were they living that way when you were there? A I don't recollect whether they were or not.
Q You don't recollect much about it then? A Not any more than what I have said.
Q Which family moved away from the place first the Mayfield or the Duffin family? A I couldn't say.
Q Do you know of your own knowledge when either of the families moved off of the Campbell place? A No, sir, just to come to the date, I don't know.
Q The next thing you knew of them after you were up there this time in July or August, 1866, you saw one of the boys up there working on the farm? A Yes, sir.
Q And you saw one of them that you learned had been going to school? A Yes, xxxx, after that.
Q That was several years after that, wasn't it? A I never kept no record, I don't know.
Q But you remember distinctly 1866? A Yes, sir.
Q Don't you remember another year as well as 1866? A I suppose I could.
Q What year was it that you saw the boy up there when he said he had been going to school? A I don't know exactly, couldn't say.
Q How big a boy was he at that time? A A good sized boy.
Q Was it as late as 1868 or '9? A I would not be positive, I don't know.
Q You were not up to the Campbell place later than July or August, 1866? A No, sir, not to say a visit, I might have been.

Q You didn't help the old man Duffin hold a protracted meeting up there that fall? A No, sir, I think not; might have been.
Q How old were you at that time? A Don't know exactly; never knowed my age; people them times never give my age, how old I was.
Q Wasn't the Duffin boys up there at Garnett when the railroad was built in there? A Wasn't no railroad there when I seen them.
Q Weren't they living there when the railroad was built there? A Not to my knowledge.
Q Were you at Garnett about that time? A I was at Garnett long before the railroad was.
Q Were you at Garnett when the railroad come there? A I was when they built the Missouri Pacific.
Q Is there another one there? A Two others there.
Q Which was the first road built in there? A I don't know exactly, but I think the M. K. & T. built there first.
Q Were you living when the first railroad there built to Garnett, Kansas, the first railroad built there after the war? A I was living in Lynn County.
Q You didn't moved up to Garnett? A No, sir, I think not.
Q When did you first find out that you were going to be a witness in this case? A I found it out yesterday about half out three, I think it was; I didnt know what the case was, nor nothing about it.
Q They didn't tell you what case they wanted you to testify in? A No, sir, just wanted me down here to testify in a case.
Q No one asked you what you knew about it? A No, sir.
Q And brought you from Kansas down here to testify without talking to you about it? A Never had no conversation about it.
Q Any with anyone? A No, sir.
Q How did they know what you were going to testify to? A I don't know.
Q They didn't ask that you would testify in any case? A All that was asked me, was I acquainted with Nathan Duffin, and I told him I ought to be; I waited 12 months for him to baptise me, and he come south and has never baptised me yet.
Q You never saw Nathan Duffin in the Cherokee Nation? A No, sir, I never.
Q Never saw any of his family before to-day in the Indian Territory, did you? A No, I wasn't particularly acquainted; I saw old man Nathan when preaching at the camp meeting when I was small.
Q When was that? A Before the war.

By Mr. Bird:
Q Are you a citizen of the Cherokee Nation? A I was born and raised here.
Q Were you there when the war? A Yes, sir.
Q Did you never return to the Territory afterwards until now? A I came down, I think in, either in the fall of 1882 or 1883, down on Big Creek with old man Peter Ward and Joshua Ward, Abraham Ward and Peter Wells.
Q You are a citizen of Kansas now, are you not? A Yes, sir, been living there all the time.
Q You say you did hear the old man Nathan Duffin preach in the Territory when you were a boy? A Yes sir.
Q Then after that when did you next hear him preach? A The next time after that I heard him preach in Mound City.
Q Lynn County, Kansas? A Yes, sir.

Q After he left you in Lynn County, as you stated, you never saw him any more? A Not after he was at my house and was talking about coming down here.
Q What was 1866 you saw him this last time? A Yes, sir.
Q Can you name the names of the roads that are now running into Garnett? A Missouri Pacific and the K & D and the Southern Kansas, the first road that was built.
Q While ago you said the M. K.& T.? A Sometimes I call it that, but we call it the Southern Kansas.
Q Do you remember when the Missouri Pacific was built in there? A I can't say the year but we worked on it.
Q Do you remember when the K L & D was built there? A I couldn't say what year it was in; I worked on it from Garnett to Topeka.
Q Which of the three was built last? A Topeka road.
Q N K & D? A Yes, sir.
Q The other you say is the Southern Kansas? A Yes, sir.
Q Used to be called the L L & G? A Yes, sir.
Q Do you remember when that road was built into Garnett? A No, sir, I don't remember exactly what year.

GEORGE B. DUFFIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A George B. Duffin .
Q How old are you? A About 51; I was born in 1851.
Q You are one of the applicants in this case? A Yes, sir.

By Mr. Blue:
Q When did you say you were born? A In 1851.
Q What is your business? A I am a farmer now; have been a minister
Q In what church? A A M E Church.
Q Are you a son of Nathan Duffin? A Yes, sir.
Q Who were your sisters and brothers? A Sarah Moss, Eliza Keys and Joshua Duffin; Henry Thornton is our halfbrother.
Q He is not involved in this case? A No, sir.
Q Did you hear the testimony of Mr Campbell and Mr. Foster and Johnson given in this case? A Yes, sir.
Q Have you read the testimony of the two Johnson's given in this case before? A Yes, sir.
Q I want you to tell the Court all about the question of when N than Duffin, yourself and when his family came to the Cherokee Nation after the war, and how long they remained here and any and all the facts connected with it? A In the Spring of 1866 he came down with a number-------
Q Who came? A Father, N than Duffin, came down with a number of others to select a place and he left his family on this Campbell farm, where we were farming and I and my brother made the crop that season and he came back after selecting a home andin the fall of 1866 sold his farm and came to the Territory.
Q You say he sold his farm? A I mean his potatoes, his corn, his produce, etc.
Q Where was that corn and produce situated? A On the Campbell farm.
Q In what place? A On Pottawotamie, I believe the creek is called, about two miles east of Garnett.
Q Inwhat County and State? A Anderson County, Kansas.
Q After he sold out his interest in the crop there what did he do, and what did the family do? A He loaded his wagons in the fall and came to the Cherokee Nation, Indian Territory.
Q Who came? A Father, Nathan Duffin.

Q Who of the family came? A All of the family, father, mother, and the four children, two boys and two girls.
Q Did any other family or person came with him that time other than the family? A No, sir.
Q When did Nathan Duffin and his family reach the Territory? A In November, fall of '66.
Q What did Nathan Duffin and his family do at that time? A He selected his home and went to building as soon as possible.
Q What had he done in the Spring, if anything, in the way of selecting a home? A He selected a home first on Grand River with the crowd he came with; then he was better informed that it would be a better life to live, better country for him to move out on the west of Grand River.
Q Where did he locate his home? A On Big Creek.
Q When did he locate it there? A In the fall of '66.
Q What did he and his family do after selecting the home there on Big Creek? A Went to diggin around and are still there yet.
Q Have any of his family or he ever had any other home than that? A No, sir.
Q Is he livin now? A No, sir, he is dead.
Q Where did he die ? A On Big Creek, in the home we live in.
Q The same place he selected in 1866? A Yes, sir.
Q After selecting the place and digging around there what did you do in the way of putting up a house? A We went to work and built a log house and put some logs on it and went to work.
Q Did you build and complete a house there? A We put a double log house first and didn't finish covering but one.
Q Did you finally finish that house? A Yes, sir, and covered it the second time with boards and rips.
Q Do you know George W. Lynch, Wash Lynch? A Yes, sir.
Q Did you hear him testify in this case? A Yes, sir.
Q Do you remember of him having come to your father's house on Big Creek, as he stated? A Yes, sir.
Q Do you remember when that was? A I am not positive, but to the best of my memory it was the following spring, him and Art Williams; the reason I remember him Art Williams is the man that was selected as a delegate to go with father to Washington on freedmen business, and it was Lynch and Williams that come there that day.
Q Do you remember what month it was in that they came there? A I think it was in February.
Q How long had Nathan Duffin and his family been living at that place when Wash Lynch came there? A We built it in the fall and the following Spring they came there.
Q Do you mean to say by that that you built it in November and were there in February when they came there? A Yes, sir.
Q After Nathan Duffin and his family moved down there did either of the girls return to Kansas any more? A No, sir.
Q Where have they resided since that time? A At home until they married and aint been anywhere yet; Sarah Moss lives on her place and Eliza Keys lives close to the old place.
Q In what Territory or Nation? A Cherokee Nation, Indian Territory.
Q Have either of the girls ever resided out of the Cherokee Nation anywhere? A No, sir.
Q Since they came here in November, 1866? A No, sir.
Q How about the boys, what was their course in regard to living in the Territory after Nathan Duffin and his family located on Big Creek, as you stated? A After we got located, of course everything to live on was scarce and we lived around andI and my brother went back up to Kansas where we had lived and worked there, and worked with our teams and come back home.

Q Where were you on the 28th day of June, 1898? A All at home on Big Creek.
Q How long had you been at home there, you and your brothers and sisters, on the 28th day of June 1898, without having been out of the Territory? A I really couldn't say, the girls had never been out; of course, myself, I travelled and preached a good deal about up in Kansas and went to school up there two years.
Q While you were travelling and preaching and going to school did you have a home in the Cherokee Nation? A Yes, sir.
Q How about your brother Joshua? A He had his home here.
Q During all this time since November, 1866, did either your brother or yourself ever vote in any of the states? A No, sir.
Q Or ever exercise any rights of citizenship in the states? A No, sir, I wasn't old enough.
Q Did either you or your brother or the girls ever have a home in any of the states? A No, sir.
Q During all this time? A No, sir.
Q Have either of them ever had a home anywhere else than the Cherokee Nation at any time? A No, sir.
Q Where were you at school? A Baker University.
Q What county in Kansas? A Douglas County.
Q What city? A Baldwin.
Q How long were you at school? A Entered in '82 and left in '84.
Q During that time did you return to the Cherokee Nation? A Yes, sir, every commencement.
Q During that time you kept your home in the Cherokee Nation? A Yes, sir, had a farm in the Cherokee Nation on the Verdigris River, at the mouth of Possum Creek.
Q For what purpose did you and your brother go back into Kansas after you came here in 1866? A We went back to work and to get provisions to help our family to live; our horses got stolen the following spring after we came down, and we had nothing to make a living with, and he had to work out and help father make a living for the family.
Q As between the Cherokee Nation at that time and Kansas, which was the better place to find work and get good wages? A In Kansas, there was nothing here to do, nothing here but wolves and deers and we had no guns to kill them with.
Q Did you have any other purpose for going back there, except to make money for the family? A That is all, except to go to school.
Q How long was the longest time that either of you were in Kansas at one time after you located in the Cherokee Nation in November, 1866? A The longest per-iod that I think any of the family ever stayed there was about nine months, I would stay during school and come home.
Q When you were working what was the longest period of time any of you remained up there after November 1866? A I would stay a couple of months sometimes and sometimes 1 1/2 months; I don't think we exceeded two or three months at any time.

By Mr. Davenport:
Q You were how old when the war closed, George? A I don't know; we didn't know anything then.
Q Do you know anything now? A Yes, sir.
Q How old are you now? A 51.
Q How long has the war been closed? A It has been closed about ---
Q 39 years, hasn't it? A It closed in '65.
Q Hasn't that been about 39 years ? A I expect so.

Q You have testified once or more times before in this case, haven't you? A Yes, sir, ever since the Wallace Court.
Q Did you mention before the fact of your going up there for better wages? A Then I was asked I did.
Q You were represented by counsel then when you gave testimony, were you? A Before this Court?
Q Yes, before this present Commission? A I don't know really, I think Smith and Mellette made the representation to some extent.
Q You were living near Garnett, Kansas, when the war closed? A I think we were living right in about 2 1/2 miles of Garnett, Kansas when the war closed.
Q Are you the oldest one of the children? A No, sir.
Q Who is the oldest? A Brother Henry and Joshua.
Q On whose farm were you living when the war closed? A We were living on what was known as the Rumley farm.
Q How far from the Campbell place? A About four miles.
Q What year did you move on the Campbell place? A Immediately after Price's raid; it was in '65.
Q How many crops did you make on the Campbell place? A ~~Immediately~~ One.
Q You moved there in 1865? A We left the Rumley place immediately after Price's raid in '65.
Q What crop year was it you made a crop on the Campbell place? A '66.
Q Your father or some of the members of the family had a lease on the Campbell place? A No, sir.
Q Who was it had that lease? A Thomas Mayfield.
Q Mayfield lived on the Campbell place, too, didn't he? A Yes, sir.
Q In adjoining houses to your father? A Yes, sir.
Q Did you know Tom Foster that old man Campbell was raising at that time? A Yes, sir.
Q Did you know his mother? A No, I wasn't well acquainted with his mother.
Q You have seen her? A Yes, he always called Campbell's wife his mother.
Q But you knew he had a mother that lived near there? A Yes, sir, but I wasn't acquainted with her.
Q Didn't you see her? A No, sir.
Q Do you remember when she got married? A No, sir, didn't know she was.
Q You saw Tom Foster here the other day? A Yes, sir.
Q And George Campbell? A Yes, sir.
Q And heard them testify? A Yes, sir.
Q Col. Blue asked you if you heard them testify and you answered, "Yes, sir" A Yes, sir.
Q You heard Ann Sanders testify the other day in your behalf? A No Ann Sanders testified for me.
Q Was it Nan? A No woman at all to my knowledge, testified in our case when we were here before; Lynch did, but no woman didn't.
Q You wasn't here then when she testified? A I was here when they had her on the stand, but not in our case.
Q You heard her testify didn't you? A I know she was here, but I don't think I heard her testify.
Q When was it your father came to the Cherokee Nation after the war to locate this farm of his? A In '66.
Q When your father came? A Yes, sir.
Q Was it in the Spring he came to locate the place? A In the Spring he made his first trip.
Q Did he come in the Spring of 1866 for the purpose of locating him a farm in the Cherokee Nation? A Yes, sir.

Q Was that the time you say he located a farm for himself and family on Grand River.? A Yes, sir.
Q Then I understand you to say that your father came to the Cherokee Nation in the spring of 1866 for the purpose of locating him a farm as a freedman citizen of the Cherokee Nation? A Yes, sir, that is the way you understood me.
Q And that he went back and later in the year of 1866, he moved his family down? A Yes, sir.
Q Who were with him on that first trip? A I couldn't remember; Thomas Mayfield was one, and my brother Henry, the spring visit you mean?
Q Yes, sir. A Thomas Mayfield, brother Henry and I don't remember.
Q Wilson Towers was along? A No, sir.
Q When did he come with him? A He didn't come with us.
Q Do you know whether or not you were in the Cherokee Nation at the time that your father came down and went over to old man Steve Little's and borrowed $10. to pay for a night's lodging to a white man up there? A Yes, sir, I was right up here on Big Creek.
Q What year was that? A It was in the following, it was '66, the following spring after we settled the place.
Q Tell me the year; I wasn't asking anything about the spring and fall: A I guess that must have been in the early spring about in '67, I am not very positive, but it was in the following spring that our horses were stolen, because they stole one of my mares.
Q Then old man Little is mistaken when he says it was in the summer and corn was waist high when they come there, is he?/ He testified that corn was waist high; but I don't know how high corn was, it was planted I know; we had planted and we were quite late getting our corn in.
Q Did you seen Wilson Towers at that time in the Cherokee Nation that your father borrowed the ~~$~~ $10? A I never saw him; the crowd come there and went in search of the horses; I am told he was in the bunch; Jim Rogers and Sam Mosely, better known as---- and Mose Smith; I wouldn't go on to state any more.
Q Where was Santa Ana Nivens? A I believe he was there; I aint positive.
Q As I understand you, George, the old man Little and the parties who testified this morning to your father's coming to his house in the summer of 1866 to get this money to pay a night's lodging, are mistaken as to the year? A It was the following spring that our horses were stolen; they must have been mistaken, because it was the following spring; we came in the fall and the following spring our horses were stolen.
Q Is it true or not true as testified by old man Little in your behalf this morning that when your father came there and got the $10. to pay his board bill that he was there for the purpose of locating a home and that he was going back to move his family down? A He didn't have to move us here; we were located already on the creek; it was on Big Creek that our horses were stolen.
Q What creek did you locate on first in the Cherokee Nation? A Big Creek.
Q Near whose place? A No place.
Q Who was livin, on Big Creek, if anyone, when you, your father, brothers and sisters came to the Cherokee Nation? A There wasn't no Indians, the Delawares came after we settled the place; the Falleuf town was built right below us on the Creek? A The nearest colored family that lived near us was Andy Daughterty and on further down about six miles Samuel Webber and this Samuel and Wilson Towers and old man Caesar Smith and several others I haven't time to call.

Q Did Wilson Towers live there on the creek when you moved to the Cherokee Nation? A Yes, sir, west from the old man Webbers place.
Q He came then before you and your father and family came? A They were there when we came.
Q How long after you settled did the Delawares come? A It must have been a little over a year.
Q Had you made a crop in the meantime? A Yes; sir.
Q Who of the Delawares first moved into your neighborhood? A Old man Falleaf is the only man I know.
Q Were there any others? A Yes, sir, quite a town of them.
Q How long did they live there near you? A Perhaps a year; quite a bit.
Q Can't you think of anyone else but Falleaf? A Yes, sir, his boys.
Q What were their names? A George.
Q The old man is dead, himself, isn't he? A Yes, sir, and George, too.
Q You think of no living Delaware that come there after you did? A No, sir, I don't know them, I guess they are all dead; x The old man and George is.
Q How about white men? A Wasn't any there when we come.
Q Well, the colored people? A I have told you all there was there.
Q You are positive that Wilson Towers was living there on the creek when your father came to the Cherokee Nation? A They x were all there.
Q Do you know W. H. Johnson? A Yes sir.
Q You read his testimony as to how long you people lived there at Garnett? A Yes, sir.
Q He is a citizen of the State of Kansas? A Yes, sir.
Q A white man? A Yes, sir.
Q He has occupied several positions there in the country, hasnt he, since the war? A I don't know; I don't know the Johnsons very well.
Q Do you know George Campbell who testified in this case? A Yes sir.
Q And Tom Foster? A Yes sir, Johnson knows me a little better than I know him.
Q He seems to know you quite well? A Says he does, but he don't.
Q Have you made any effort to get any of these white people around Garnett, Kansas, where you lived at the close of the war, to testify in your behalf? A No, sir.
Q Have you called on any of them to ascertain from them the date that your father and family left Garnett? A No, sir.
Q The last crop that you claim you made then, was made in the year 1866 on the Campbell place? A Yes sir.
Q How long did you leave Garnett before the railroad was built; in there? A There was no railroad there when I left, as I remember, I don't remember.
Q Is it true or not true that you and your brothers helped haul ties for the construction of that road? A It is untrue; there was no railroad there.
Q Then Mr. Johnson is mistaken when he swears that you and your brother hauled cross-ties by his house most every day while the construction of the road was going on? A Yes sir, he mistaken.
Q Was there any colored people that you knew lived near Garnett, Kansas, in 1866? A Yes, sir.
Q Do you know whether there are any of them living? A There was the Bean family, our nearest neighbors; Thomas Mayfield lives on Grand River.

Q Were there none of the state raised people there? A No, I believe there were no state raised niggers living near there; they were all Injun niggers; I was just going to give you a number of them; there was Sandy Bean----
Q Where is he living now? A He is dead; his boys are living.
Q Who are his boys? A Joe Bean, Tobe, Arthur, Jake; there was the Adams'; Joe Adams; he came on down here.
Q Where is he now? A Dead; Cag Adams, he is living there now.
Q In Garnett? A I suppose he is.
Q You haven't even seen him? A Didn't have to.
Q You didn't much want to go there without police, did you? A Didn't think I had to.
Q You did go up there to another town 25 or 30 miles away to get a fellow to swear what your father told him? A No, sir.
Q Didn't you send for this man? A No, sir, some of the family did.
Q You knew it? A No, sir; you fellows sent for them.
Q We sent to the place where you lived to get them? A Yes, sir.
Q And we didn't try to get fellows who were on the doubtful or straight cards, either? A I don't know.
Q Don't you know that the Cherokee Nation went to men who were non-citizens and who had never lived in the Cherokee Nation and who had no interest one way or the other in the result of the cases? A Yes, after they come I knew it.

By Mr. Blue:
Q As a matter of fact, George, neither you nor your associates in this case went to a town 25 miles away to get a witness, did they? A No, sir.
Q Mr. Blackburn, who has been offered here as a witness, lives at Garnett, doesn't he? A Yes, sir.
Q And he has come from Garnett here today or yesterday? A Yes, sir.
Q Coming back to the date when you came down to the Cherokee Nation, that was------

Mr. Davenport: We object to going over that again and again.
Commission: I think that point has been gone over thoroughly.
Mr. Blue: They have misled him, and I think we ought to go over it again.
Commission: Proceed.

Q When did you first come back here to the Cherokee Nation? A In the fall of '66 we moved.
Q When did your father start from up there to come back here? A In the spring of '66.
Q Now, do you know whether or not at that time your father and those that were with him lost some horses? A At the time they returned back.
Q When he first came down here in 1866 to make his first selection do you know whether they lost any horses at that time or not? A No, sir, I don't know.
Q Did you hear the testimony of this old gentleman, Steve Little? A Yes, sir.
Q Did you hear what he said about the date when your father first came to his house? A Yes, sir.
Q Do you remember what he said as to when he loaned him that money? A Yes, sir, he said it was in the Spring of '66 , to my best recollection.

Q You think it was in the spring of 1867? A I think it was, because we came here in the fall of '66, and our horses were not stolen until the following spring, and it must have been '67.
Q What, if anything, do you know of your own personal knowledge about Mr. Little's making him a loan of money? A I knew that father sent the money back, but I forget by who, and he told the family that he borrowed $10 to assist him in the search afor the horses, and I know he sent it back to Mr. Littles; I didn't know who it was, but afterwards I formed an acquaintance with him.
Q Were you there when the money was borrowed? A No, sir, I was at home then.
Q Then you were not present at all when he went to Mr. Little's and got the money? A No, sir.
Q Don't think to have been? A No, sir.
Q Now what you know about that loan is what your father said about his sending the money back to Mr. Little? A Yes, sir, that is all.
Q You think that was in 1867? A Yes, sir, that is my best recollection; I think the old man made a mistake.
Q Now you say that your father and his family were in the occupation of their home in November, 1867? A Yes, sir.
Q And that home has been there ever since? A Yes sir.
Q You speak of V. A. Johnson, do you know whether he is living now? A I heard he was dead.
Q Do you know what his profession was? A No, I don't know, but I heard.
Q Wasn't he a lawyer? A Yes, sir, we always called him lawyer Johnson.
Q From your knowledge did he ever visit your father's home at any time while he lived in Kansas? A No, sir, not as I know of.
Q To your knowledge did he have any acquaintanceship with your brothers? A I know more of him through father than anyone else.
Q Did your boys and girls have any acquaintance with him? A No, sir.
Q Were you and Joshua up in Kansas in 1870, at any time, at work there at anything, or either of you? A Yes, we worked around there in '70 and was back to there working so much I really couldn't tell, but I know that I and my brother were working up there in Kansas when the L L & G made its first arrival in Garnett.
Q Is that the road that they called the Southern Kansas afterwards? A I suppose, we always known it to be the L L & G; it may be called the Southern Kansas.
Q Did you or your brother, or both of you haul cross ties at any time for any railroad? A No, sir, never hauled a tie in Kansas in my life.
Q During the time you worked, as you stated, up there, did you make any rails of corn for farmers? A Yes, sir, we cut up corn rails; and corn any thing we could get hold of; I remember we cut up corn for people.
Q Did you work together or there separately? A Sometimes together and sometimes didn't; I always want to be with brother, because I was younger and when we could get jobs together we went together.
Q You thought about that work proposition before you were cross-examined, haven't you? A I have, yes, sir.

By Mr. Lovan:
Q What year was it you and your brother were back in Kansas at work? A It was from the time we came back, from the Spring of '66 until we could go better, I couldn't say specially----
Q What kind of work? A Anything we could get to do.

Q Can't you tell me anything? A We cut corn.
Q For whom did you cut corn? A I can't remember, it has been a good while ago.
Q Can't you remember a single man you cut corn for before thxx or after you come to the Cherokee Nation, if you cut at all? A I cut for Gibson.
Q How far did Gibson live from Q [illegible] Kansas? A Adjoining farm to the Campbell farm.
Q Who else [illegible] and what kind of work did you do? A I couldn't go to work and tell [illegible] over, [illegible] and what time; it has been so long.
Q You remember everything [illegible] Yes, sir.
Q Then why can't you tell about [illegible] year? A I can't [illegible] that I am able to tell you [illegible]; I don't take any memoranda.
Q Did you [illegible] any memoranda on the [illegible] loc? A I did not. I guess you all know Dr. Miller.
Q I don't. He was a man that came [illegible] Kansas and was telling fr[illegible] that [illegible] if he could go back at [illegible] could get [illegible] and could enjoy the same privile-[illegible] immunities [illegible] Cherokees, if there was [illegible] and travelling and came home and told [illegible] believe he would take his family and go back to the Nation, that he had seen Dr. Miller in Fort Scott and he said that if he could go back he would get rights the same as Cherokees.
Q Don't you know that you have testified in the last half hour that your father came to the Cherokee Nation in the Spring of 1866, for the purpose of locating him a farm and getting him a home? A Yes sir. Q Don't you know that that was [illegible] before the treaty was made, giving freedmen rights in the Cherokee Nation? A I don't know, I know he came [illegible] in the spring of '66, [illegible] before the treaty was made he got here too soon.
Q Don't you know he didn't [illegible] anything but come [illegible] home [illegible] of 1866? A Of course he did.

By Mr. [illegible]:
Q You do know, as a matter of fact, George, that your father, Nathan Griffin, in his family, [illegible] to the Cherokee Nation and located in November, 1866? A Yes, sir.

Mr. Blue: Applicants close their testimony up to this time, so far as I know; if there is other evidence to be introduced, I want the privilege of cross-examination and rebuttal.

Commission: It has been the custom of the Commission to introduce in these cases the testimony in our case, that they may light upon the facts.

Mr. Blue: That is what we have in this case is a right to object to the introduction of the records in any other case, to the ground that it is incompetent, immaterial, irrelevant, denies to the applicants the right to cross-examine the witnesses that are testified in their cases, and precludes the right of rebuttal to the testimony or evidence offered in said other cases. If said testimony, records, or decisions in said cases are tendered and admitted, I then desire to offer a motion to strike from the record and testimony in this case all of said records, testimony and evidence in said cases or cases admitted, for the reasons set forth in the objection to their admission, and if said testimony, decisions

and records in other cases are admitted the counsel for applicants then demand the right to cross-examine the witnesses who have testified against them and to rebut any testimony, evidence, documents or decisions so admitted against them.

Mr. Davenport: The representatives of the Cherokee Nation, in view of the fact that the testimony of George B. Duffin shows that Wilson Towers was on Big Creek when he and his father's family returned to the Cherokee Nation, desire that the Commission make reference to the case of Wilson Towers, which was formerly F D 466, but now E.R. 276, that reference be had to same in making up the decision in this case.

Mr. Blue: To which counsel for the applicants in this case enters the objection, as stated above, he desired to offer to the introduction of this character of testimony and in addition thereto objects because the decision and the testimony upon which it is based is incompetent, irrelevant and immaterial and is an attempt to impeach the testimony of George B. Duffin without having called to his attention the testimony he had given in said case, or that any other witnesses in said Towers case had given in opposition to his testimony in this case, and counsel for applicants, if said decision and testimony in said xxxxx Towers case is admitted by the Commission, moves, for the same reason and objections above given, to strike said decision and the testimony therein offered herein, from the record in this application, and if said motion is overruled by the Commission and said decision and testimony is considered herein, then counsel for the applicants requests that opportunity be given to cross-examine the witnesses in said case whose testimony affects the testimony of George Duffin herein, and that the said George Duffin have opportunity to rebut the testimony of said witnesses whose testimony is used herein for the purpose of impeaching and affecting the testimony of George B. Duffin.

Commission: The statements, motions and objections of the counsel in this case will be noted and made a part of the record herein, and this case is now considered closed. The applicants' attorneys will be given 15 days in which to file argument in this case, a copy of which they will be required to furnish the attorneys for the Cherokee Nation.

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W. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) W. M. Vance.

Subscribed and sworn to before me this the 4th day of August 1904.

(Signed) Wm T. Martin,
Notary Public

Edith L. Morey, being first duly sworn, states that as

stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and correct copy of the original transcript.

Edith L. Storey

Subscribed and sworn to before me this the 13th day of August 1904.

Charles W. Sawyer

Notary Public.

WSDM GAL-7.

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
CHEROKEE LAND OFFICE.
October 23, 1906.
-o-

Cherokee Freedman Doubtful
Card No. 506.
-o-

In the matter of the enrollment of Julia Moss.

Julia Ray, being first duly sworn by B.P.Rasmus a notary public, was examined on behalf of the Commissioner and testified as follows:
-o-

Q What is your name? Ans. Julia Ray.
Q What is your age? Ans. 25.
Q Are you a claimant to enrollment as a freedman citizen of the Cherokee Nation? Ans. Yes, sir.
Q What is your postoffice address? Ans. Kinnison, Indian Ter.
Q Under what name were you enrolled? Ans. Julia Moss.
Q What was your father's name? R. B. Ross.
Q What was your mother's name? Ans. Sarah Moss.
Q What was your father's first name? Ans. Richard.
Q Are you married? Ans. Yes, sir.
Q What is your husband's name? Ans. Ray.
Q What is his full name? Ans. John Ray.
Q Is he a Cherokee Freedman? Ans. No, sir.
Q Is he a citizen of any of the Five Tribes? Ans. No, sir.
Q When were you married? Ans. March 16, 1905.
Q Are you living together at the present time? Ans. Yes, sir.

Witness Excused.

STATEMENT: Julia Moss is identified as No. 2 on Cherokee Freedman Doubtful Card No. 506.

Chief Clerk,
Cherokee Land Office.

-o-

I, George A. Lowell, being first duly sworn, state that as stenographer to the Commissioner to the Five Civilized Tribes, I recorded the testimony in the above entitled proceeding and that the foregoing is a true and correct transcript of my stenographic notes thereof.

Geo. A. Lowell

Subscribed and sworn to before me this ___ of October, 1906.

B.P. Rasmus
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George B. Duffin et al., for enrollment as Cherokee Freedmen, consolidating the applications of

George B. Duffin----------Cherokee Freedmen D 505,
Sarah Moss et al.----------Cherokee Freedmen D 506,
Eliza Keys----------Cherokee Freedmen D 507,
Joshua Duffin----------Cherokee Freedmen D 509,
Frank Duffin----------Cherokee Freedmen R 109,
George N. Moss----------Cherokee Freedmen D 510.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George B. Duffin, for himself; by Sarah Moss, for herself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss; by Eliza Keys, for herself; by Joshua Duffin, for himself and minor son, Frank Duffin; and by George N. Moss, for himself.

The evidence shows that the applicants, George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin, were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867.

The evidence further shows that the applicant, Frank Duffin, has been born since 1866 and is the son of and claims right to enrollment through the said Joshua Duffin; that all the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Sarah Moss.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight L. Moss, Willie Moss, Eliza Keys, Joshua Duffin,

Frank Duffin and George N. Moss, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Tom. B. Stanley.
Commissioner.

Muskogee, Indian Territory,

this JUL 1 0 1906

a.7.m.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George B. Duffin et al. as Cherokee Freedmen, consolidating the applications of:

George B. Duffin,	Cherokee	Freedmen	D 505,
Sarah Moss, et al.	"	"	D 506,
Eliza Keys,	"	"	D 507,
Joshua Duffin,	"	"	D 509,
Frank Duffin,	"	"	R 109,
George Nathan Moss,	"	"	D 510.

--:--

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to this Commission by George B. Duffin for himself; by Sarah Moss for herself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight Lyman and Willie Moss; by Eliza Keys for herself; by Joshua Duffin for himself and minor child, Frank Duffin; and by George Nathan Moss for himself. The record further shows that on July 10, 1903, the Commission rendered its decision herein denying said applicants the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded to the Department; that thereafter, on May 20, 1904 (Departmental letter I. T. D. 222-04), this case was remanded by the Department for further testimony, and on July 16 and 28, 1904, supplemental testimony in the matter of said applications was taken at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin, claim the right to enrollment as Cherokee freedmen by virtue of their compliance with the treaty stipulations of 1866, and that the other applicants herein claim the right to enrollment as Cherokee freedmen as descendants of the said applicants, Sarah Moss and Joshua Duffin.

GEORGE B. DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am forty-nine years old and am the son of Nathan and Frances Duffin, both deceased. I and my mother, before the war, belonged to Dr. John Thornton, a Cherokee citizen, and I was taken to Fort Scott, Kansas, during the rebellion, and with my father and his family returned to the Cherokee Nation and located on Big Creek, in November, 1866, and have since continuously lived in said Nation. We came from near Garnett, Anderson County, Kansas, and upon our arrival in the Cherokee Nation, found Andy Daugherty and Daniel and Mike Sanders and Sam Webber living on Big Creek; they had some little patches broken out, from which they had gathered the crops for that year.

Said applicant being recalled and further examined by the Commission, testified as follows: When I can first remember I was living in Goingsnake District, Cherokee Nation, about six miles from Dutchtown. I remember distinctly when I was taken from the Cherokee Nation to Kansas, and since my return to the Cherokee Nation I have been out occasionally in the different states, as a minister, and spent two years at school at Baker University (Kansas).

SARAH MOSS appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of her application for enrollment as a Cherokee freedman testified as follows: I am forty-three years old, and am the wife of Richard Moss, a non-citizen of the Cherokee Nation who is the father of my children, all of whom were born in the Cherokee Nation since 1866. I am a sister of the applicant, George B. Duffin, and the daughter of Nathan and Frances Duffin, both deceased. I and my mother were the slaves of one Dr. John Thornton, a Cherokee citizen. I returned to the Cherokee Nation after the war with my father, brothers and sisters, and have since continuously lived in said Nation.

ELIZA KEYS appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of her application for enrollment as a Cherokee freedman, testified as follows: I am forty years old, and am the daughter of Nathan Duffin and Fannie Thornton (Frances Duffin), and the sister of the applicants, George B. and Joshua Duffin and Sarah Moss. I was taken to Kansas during the war, and have continuously lived in the Cherokee Nation since I returned thereto after the rebellion.

JOSHUA DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am about forty-nine or fifty years old. I was the slave of Dr. John Thornton before the war, went to Fort Scott, Kansas, during said war, and returned to the Cherokee Nation some time during the

summer of '66, with my sister Sarah (Moss) and brother George (Duffin). The minor applicant, Frank Duffin, is my illegitimate son, and is sixteen or seventeen years old . (Cherokee Freedman Enrollment card No. R 109 shows that Annice Johnson, deceased, mother of the said Frank Duffin, was a non-citizen of the Cherokee Nation). I remember when we returned to the Cherokee Nation after the war, it was in July or August, and Mr. Webber and Towers and Keys all had their corn laid by when we arrived. I have never been in Kansas longer than two weeks at a time since I removed to the Cherokee Nation after the rebellion.

GEORGE NATHAN DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am twenty-two years old, and am the son of one Richard Moss, a non-citizen, and the applicant herein, Sarah Moss.

GEORGE B. DUFFIN appeared before the Commission at Muskogee, Indian Territory, on July 28, 1904, and in support of his application for enrollment as a Cherokee freedman further testified as follows: After we came to the Cherokee Nation in November, '66, and got settled, myself and brother went back to Kansas with our teams and worked. Wilson Towers and family were living on Big Creek when we came there in 1666. Myself and brother went back to Kansas in the spring of '66 ('67) and worked until we could do better, but don't know just when that was.

ALLEN LYNCH, FILMORE HICKS, MOSES RILEY, SAM WEBBER, GEORGE W. LYNCH, MARIAH FRENCH, STEPHEN LITTLE AND WASHINGTON BLACKBURN, testified at different times and places on behalf of the applicants herein, but with the exception of Moses Riley, Sam Webber and George W. Lynch, none of said witnesses give any material testimony tending to show that the applicants, George B. and Joshua Duffin, Sarah Moss and Eliza Keys, were in the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867.

MOSES RILEY testified as follows: I am fifty-one years old and have known the applicant, George B. Duffin very near all my life. Saw him in Kansas during the war, and again in the Cherokee Nation just before Christmas in '66. I was just a boy when I saw said applicant in '66, and lived about thirty miles from him.

SAM WEBBER testified as follows: I am fifty-eight years old and have known the applicant, Sarah Moss, ever since her father, Nathan Duffin, brought his wife and two boys, George and Joshua, and two girls, Eliza and Sarah Duffin, to the Cherokee Nation and located on Big Creek, just before Christmas, 1866.

GEORGE W. LYNCH testified as follows: I was born in December, 1852. I know the applicants, George B. Duffin, Sarah

Moss, Eliza Keys, Joshua Duffin and George Nathan Moss. I knew Nathan Duffin and first saw him and his family in the Cherokee Nation on Big Creek, about February 1, 1867, when, one morning I and art Wilkiese happened by Nathan Duffin's place and stopped for breakfast. I, at that time, was on my way to Fort Leavenworth to join the army.

L. A. JOHNSON, J. M. JOHNSON, GEORGE CAMPBELL AND SMOKAR FOSTER on behalf of the Cherokee Nation, testified at different times and places in this case, and identify the applicants George , and Joshua Duffin, Sarah Moss , nee Duffin, and Eliza Keys, nee Duffin, as having continuously lived near Garnett, Anderson County, Kansas, during the first three years subsequent to the close of the rebellion.

Excepting the Wallace and Kern-Clifton rolls, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

In connection with parts of the testimony set out below, together with the status and credibility of some of the witnesses who testify in this case, attention is called to certain facts which the records of the Commission show to exist, and with which the Commission is thoroughly familiar:

George B. Duffin, applicant, testifies positively that upon his family's removal to the Cherokee Nation after the rebellion Daniel and Mike Sanders and Sam Webber were living on Big Creek, and had patches broken out, from which they had gathered the crops for that year; also, that Wilson Towers was living on Big Creek at that time. The advance guard of the Webber-Sanders detachment of freedmen, after the rebellion first came from Kansas to the Big Creek country, Cherokee Nation, about August, 1866, remained a few weeks, during which time they selected their locations and did some work on their houses, and then returned to Kansas. They again visited the Cherokee Nation in December, 1866, remained a few days, during which time they did some more work on their houses and then returned to Kansas, and during the months of March and April, 1867, said colony of freedmen, with their families, arrived and permanently located in the Cherokee Nation, consequently, the first crops they raised in the Cherokee Nation after the rebellion was during the year 1867. In C. F. D. 466 (now R 276), the Commission has heretofore found that the said Wilson Towers did not remove from Kansas to the Cherokee Nation until the year 1868, and on April 25, 1904 (Departmental letter 2304-04), its finding was approved by the Department.

In re witness Moses Riley: The testimony in C.F.D 258 shows beyond all the doubt that the said Moses Riley did not return to the Cherokee Nation until the fall of 1867. In C. F.D. 265 the Commission has heretofore found that Susan Purtle, who is a full sister of the said Moses Riley, and who was taken from the Cherokee Nation during the rebellion and returned thereto after said rebellion with her brother, Moses Riley, did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department.

In re witness Sam Webber: The Commission does not hesitate to say that the testimony of this witness is wholly unreliable and worthy of no credit whatever. There is on record with this Commission evidence filed in numerous freedman cases, which shows conclusively that the said Sam Webber did not, after the rebellion, live in the Cherokee Nation prior to the spring of 1867.

In re testimony of George . Lynch: This witness testified that he was born in December, 1852, and about February 1, 1867, was on his way to join the United States army, and later in the spring of the same year joined the army at Fort Leavenworth, Kansas, and was discharged in the year 1872. This testimony seems somewhat remarkable in view of the fact that on February 1, 1867 the witness must have been less than two months past his fourteenth year, and for enlistment in the United States army at that time the age limits were eighteen and forty-five years.

The testimony of W. A. Johnson, J. M. Johnson, George Campbell and Thomas Foster, witnesses on behalf of the Cherokee Nation, who appear to be intelligent, disinterested, and unbiased, and who connect the matters of which they testify with events in their own experience that would naturally impress the dates upon their minds, is, on the whole, consistent, and shows beyond little doubt that the applicants, George B. and Joshua Duffin, Sarah Moss and Eliza Keys, were living near Garnett, Anderson County, Kansas, during the years 1866, 1867, and 1868.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the applicants, George B. Duffin, Joshua Duffin Sarah Moss, and Eliza Keys, were the slaves of a Cherokee citizen before the rebellion. (The evidence does not affirmatively show that the said applicants were the slaves of a Cherokee citizen at the commencement of the rebellion, although it does strongly indicate that they were); that they were taken from the Cherokee Nation during said rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al. for the return of Cherokee freedmen to said nation; and that the applicants, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight Lyman, Willie and George Nathan Moss, and Frank Duffin, were born since 1866, are descendants of the applicants, Sarah Moss and Joshua Duffin, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight Lyman Moss, Willie Moss,

Eliza Keys, Joshua Duffin, Frank Duffin and George Nathan Moss, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495) , and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.

Chairman

(SIGNED). T. B. Needles.

Commissioner

(SIGNED). C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 1 6 1905

C7D506

Vinita Indian Territory, Dec 1907

Received of the Commission to the Five Civilized Tribes one copy of the testimony in O 06

Geo H Olive
Attorney for Applicant

Muskogee, Indian Territory, October 8, 1902.

Received of the Commission to the Five Civilized Tribes, in open court the testimony in Cherokee Freedmen -566, Sarah Foster et al.

Tarbert

F.D. 506

F. D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

[illegible]

NOTICE!

IN THE MATTER OF the application of Sarah Moss for enrollment as Cherokee Freedmen:

Case No. F. D 506

To ~~Sarah Moss or Vellette & Smith her~~ Atty s.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 10th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this

R B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Sarah Moss,
Kinnison, I. T.
Cherokee-F-D-502.
Register.

217

IN RE

Application for Enrollment of

INFANT CHILD

[illegible]

as a citizen of

[illegible] Nation.

Approved [illegible] 1901

[illegible]

1901

BIRTH AFFIDAVIT. COPY. 217

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,

of Willie Moss (Here insert name of child.), born on the 29 day of August, 1896

Name of Father: Richard Moss, a citizen of the U S ~~Nation.~~

Name of Mother: Sarah Moss, a citizen of the Cherokee Nation.

Postoffice Kinnison, I. T.

AFFIDAVIT OF MOTHER.

~~UNITED STATES OF AMERICA,~~ State of Kansas, ~~LaFlore County~~ INDIAN TERRITORY, ss

District.

I, Sarah Moss, on oath state that I am 43 years of age and a citizen by birth, of the Cherokee Nation; that I am the lawful wife of Richard Moss, who is a citizen, by adoption, of the Cherokee Nation; that a Female (Male or Female.) child was born to me on 29 day of August, 1896; that said child has been named Willie Moss, and was living March 4, 1905.

Sarah Moss

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 17" day of June, 1901.

Seal

Comm Exp Nov 15" 1901

J. L. Reason

Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MID-WIFE.

UNITED STATES OF AMERICA, INDIAN TERRITORY, State of Kansas, LaFlore County ss District.

I, Lillie Tipton, a midwife, on oath state that I attended on Mrs. Sarah Moss, wife of Richard Moss on the 29 day of August, 1896; that there was born to her on said date a Female (Male or Female.) child; that said child was living March 4, 1905, and is said to have been named Willie Moss

Mrs Lillie Tipton

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this 17" day of June, 1901.

Seal

Com Exp Nov 15" 1901

J. L. Reason

Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 5 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Muskogee, I.T.

District Cook

1. Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Doubtful

2. Name of wife Sarah Moss Age 113

Owner's name Evan G. Newton Citizenship Tennessee

Year K. C. Page 187 No. 4472 District Cook

Parents:

Father Nathaniel Moss Citizenship Colored

Mother Unknown " Citizenship "

Names of Children:

3.	Lisa Moss	Year K. C.	Page 187	No. 4478	Dist. Cook	19
4.	Howard "	Year "	Page 187	No. 4479	Dist. "	17
5.	Howard "	Year "	Page 187	No. 4480	Dist. "	15
6.	Samantha "	Year "	Page 187	No. 4481	Dist. "	13
7.	Mutherford "	Year "	Page 187	No. 4482	Dist. "	10
8.	Emma "	Year "	Page 187	No. 4483	Dist. "	8
9.	Nancy E. "	Year "	Page 187	No. 4484	Dist. "	6
10.	Willie "	Year	Page	No.	Dist.	4
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by Stenographer

Is a Cherokee by C. 131 No 2160, Sarah E. Moss, Cook Nat
Has " " " C 131 No 2437 Lydia " " "
Has an R. E. Card as Dwight Moss.
Birth certificate required.

Doubtful.

Witnessed by McKettrick & Smith, Vinita I.T.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of June 5th, 1901 in the matter of the application of Sarah Moss et al for enrollment as Freedmen of the Cherokee Nation.

Mellette & Smith

Attorney for Applicants.

Cherokee F. #D506.

Cherokee Freedmen
D-506.

Muskogee, Indian Territory, July 23, 1903.

Sarah Moss,

Kinnison, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of George B. Duffin, et al., rejecting, among others, your application for the enrollment of yourself and your eight minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, as Cherokee Freedmen. There has heretofore been furnished your attorneys, Mellette & Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-56.

Cherokee Freedmen
D-505, D-506, D-507,
D-509, R-109, D-510.

Muskogee, Indian Territory, July 27, 1903.

Mellette & Smith,
Attorneys for George B. Duffin, et al.,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony in the consolidated case of George B. Duffin, et al., together with a copy of the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L., and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George N. Moss, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register.
Enc. R-60.

Cherokee Freedmen
D-505, D-506, D-507,
D-509, R-109, D-510.

Muskogee, Indian Territory, July 23, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of George B. Duffin, et al., rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George W. Moss, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Needles
Commissioner in Charge.

Register.
Enc. N-61.

Cherokee Freedmen
D-505,D-506,D-507,
D-509,R-108,D-510.

Muskogee, Indian Territory, July 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George B. Duffin, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Ross, Eliza Keys, Joshua Duffin, Frank Duffin and George W. Ross, as Cherokee Freedmen.

Respectfully,

[illegible]
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-62.

-Copy-

Refer in reply to the following:

Land. 47049-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan. 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for the consideration of the Department, a record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of George B. Duffin, for the enrollment of himself; of Sarah Moss, for the enrollment of herself and her minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss; of Eliza Keys for the enrollment of herself; of Joshua Duffin, for the enrollment of himself and his minor son, Frank Duffin and of George N. Moss for the enrollment of himself - all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicants George B. Duffin, Sarah Moss, Eliza Keyes and Joshua Duffin were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867; that the applicant, Frank Duffin has been born since 1866, is the son of and claims right to enrollment through the said Joshua Duffin; that all the

other applicants have been born since 1866, and are descendants of and claim right to enrollment through the said Sarah Moss.

The Commission further says in said decision, that none of the names of the applicants herein is found on the 1880 authenticated roll of the Cherokee Nation, and by reason of this fact and said findings, the Commission is of the opinion that the enrollment of these applicants should be denied under the provisions of section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495.)

I have examinedthe testimony submitted in behalf of these applicants, and also that submitted on behalf of the Cherokee Nation, and I am not satisfied that said opinion of the Commission was fully warranted by said testimony. The applicant, George E. Duffin, gives a very straight forward statement as to his birth, or rather his whereabouts from his earliest recollection, and standing alone, his evidence makes out his case. His testimony is supported by the testimony of the witness, Allen Lynch. The witness, Wilmore Hicks also substantiates the claim of said applicant, to the effect that applicant's father was in the Cherokee Nation in 1866, but the Commission shows that the statements of this witness cannot very well be relied upon. The next witness in behalf of said applicant is Moses Riley, who also testified that the applicant's father returned to the Cherokee Nation along about 1866. The said applicant is then re-called, after which the Nation calls two witnesses, viz: W. A. Johnson and J. E. Johnson, who both testify that they have resided at Garnett, Kansas, since 1858 of 9;

that they knew Nathan Diffin, the father of said George B. Duffin and also knew his family, and they further testify that the said Nathan Duffin and his family resided at or near, Garnett, Kansas, in the year 1870. They fix this date by reason of the fact that the Santa Fe Railroad, thru the L.L.& G. was built at that time, and it is claimed by these witnesses that said applicant and his brother were then hauling ties for said railroad. These two witnesses submit the only evidence that appears of record which shows that the claim of these applicants is not true.

It occurs to me that the Commission should have at least confronted the applicants with the facts testified to by the Johnsons, and had said testimony either admitted or denied by them. If, as a matter of fact, these applicants never returned to the Cherokee Nation until 1870, or later, it occurs to me that there ought to be several persons yet living in the Cherokee Nation who could testify that Nathan Duffin and his family did not reside on Big Creek in the Cherokee Nation at the place and at the time they claim to have resided there before 1870. It further appears from the testimony, which is not denied, that the applicant George B. Duffin has voted in the Cherokee Nation and has held permits therein. It is claimed by him and not denied that he was the slave of a Cherokee citizen and was taken out of the Cherokee Nation when a child, by the United States troops. It may be that the Johnsons are very credible witnesses and that their statements are entitled to great weight, but I hesitate to recommend that the applications

of all these parties be denied solely upon the testimony of two persons residing in the State of Kansas, who undertake to give definite information relative to a colored family whom they do not appear to have been for more than thirty years. Than too, a close analysis of their testimony shows that they do not claim to have any definite knowledge of the whereabouts of these people from 1866 to 1870. The applicants themselves testify that they have worked at divers times in Kansas, and the testimony of the Johnsons might be true and yet these parties entitled to enrollment as Cherokee Freedmen citizens of the Cherokee Nation. These applicants make this claim and substantiate it ina large degree, and if possible I consider that the Cherokee Nation should positively show that their said claim is not a valid one. The ampunt involved in a case like this is such that the issue raised should not be passed over lightly. If all of these applicants are entitled to enrollment as Cherokee Freedmen citizens of the Cherokee Nation, it is a matter of very great importance to them to be so enrolled, and if on the other hand they are seeking to perpetrate a fraud on said Nation and secure valuable rights to which they are not entitled, it is very important that the Nation show conclusively, that their claim is fraudulent, and the question should not be left in doubt in any way if there is evidence obtainable that will show conclusively either that the parties are entitled to enrollment or that their enrollment should be denied.

The decision of the Commission in this case throws no light on the testimony. They saw the witnesses and heard them testify, but I find nothing in the decision as to the credibility of the different witnesses.

By reason of all the above facts, I consider that in justice to the applicants and the Cherokee Nation, this case should be remanded to the Commission for a further hearing and opinion along the lines indicated in this review of the case.

Very respectfully,

(Signed) C. H. Jones,

Commissioner.

W.E.L.

L.

D.C. 17603-1904. WCF

I.T.D. 222-1904. J.P.

L R S FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON. May 20, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 23, 1903, you transmitted the record of proceedings had in the consolidated case of George B. Duffin, et al., including your decision of July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George W. Moss, as Cherokee Freedmen.

It appears that George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin were slaves of Cherokee citizens at the commencement of the rebellion; that the other applicants were born since 1866, and are descendants of Joshua Duffin or Sarah Moss. You state in your decision that during the rebellion these applicants left the Cherokee Nation and did not return thereto until after January 19, 1867.

Reporting in the matter January 11, 1904, the Commissioner of Indian Affairs takes the view that the evidence does not show clearly that the applicants did not return to the Cherokee Nation within the time provided by the Cherokee treaty of 1866, and states

that in justice to both the applicants and the Cherokee Nation the case should, in his opinion, be remanded to you for a further hearing, and an opinion from you as to the reliability of the evidence introduced.

The Department is of the opinion that further evidence should be secured, if possible, before the applicants' rights are finally adjudicated. The testimony submitted is therefore returned and it is desired that you secure, if possible, such further evidence as will more clearly show whether or not the applicants are entitled to enrollment. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary

2 inclosures.

Cherokee Freedmen
D-505 et al.

Muskogee, Indian Territory, June 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys and George N. Moss.

In accordance with Departmental instuctions the principal applicants have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment.

Cherokee Freedmen
D-505 et al.

Muskogee, Indian Territory, June 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys and George N. Moss.

In accordance with Departmental instuctions the principal applicants have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-16.

Cherokee Freedmen
D-505 et al.

Muskogee, Indian Territory, June 4, 1904.

Edgar Smith,

Attorney for George B. Duffin et al.,

Vinita, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys and George N. Moss.

In accordance with departmental instructions the principal applicants in this case have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment. The applicants have been requested to introduce

witnesses other than those heretofore introduced by them.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-15.

Cherokee Freedmen
D-506.

Muskogee, Indian Territory, June 4, 1904.

Sarah Moss,

Kinnison, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting, among others, your said application.

In accordance with Departmental instructions you are advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of your claim. It is particularly desired that you offer testimony tending to show the date of your return to the Cherokee Nation after the close of the war. You are requested to introduce witnesses other than those heretofore introduced by you.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Enc. D-10

Chairman.

Cherokee Freedmen
D-508-6-7-8-10
B-109

Muskogee, Indian Territory, August 13, 1904.

Blue & Clover,
Attorneys for George B. Duffin, et al.,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of record of supplemental proceedings recently had in Cherokee Freedmen D-508, et al., George B. Duffinn, et al. There is also enclosed a blank form of receipt for said testimony, which you are requested to sign and return to the Commission.

Respectfully,

Commissioner in Charge.

Encl. S-31.

COPY.

Cherokee Freedmen

D-506.

Muskogee, Indian Territory, June 16, 1905.

Sarah Moss,

Kinnison, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby

Chairman.

Incl. S-53.

Register.

COPY.

Cherokee Freedmen

D-505, et al.

Muskogee, Indian Territory, June 16, 1905.

Blue & Bulger,

Attorneys for George B. Duffin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of George B. Duffin, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. S-59.

Register.

Cherokee Freedmen

D-505, et al.

Muskogee, Indian Territory, June 16, 1906.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of George B. Duffin, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-58.

Cherokee Freedmen
D-808, et al.

Muskogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of George B. Duffin, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, rejecting said applications.

On May 20, 1904, the Department remanded this case for further hearing and readjudication.

Respectfully,

Tams Bixby,
Chairman.

Incl. S-60.

Through the

Commissioner of Indian Affairs.

Land.
47225-1905.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

July 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by George B. Duffin for himself; by Sarah Moss for herself and her minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight, Lyman and Willie Moss; by Eliza Keys for herself; by Joshua Duffin for himself and his minor child, Frank Duffin; and by George Nathan Moss for himself.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that on July 10, 1903, the Commission rendered a decision denying the applicants enrollment; that thereafter, on May 20, 1904 (I.T.D.222-1904), the Department remanded the case for further testimony. The record further shows that the applicants, George B.Duffin, Joshua Duffin, Moss and Eliza Keys were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken

out of the Cherokee Nation during the war and that they did not return thereto on or before February 11, 1867; that the other applicants were born since 1866, are descendants of Sarah Moss and Joshua Duffin, and possess no rights to enrollment other than as such descendants.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

COPY

D.C.52116 J.Y.Jr.

DEPARTMENT OF THE INTERIOR, JLB

WASHINGTON.

I.T.D.8194-1905. November 26, 1906.
8525- "
LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 11, 1905 (Land 47225), the Indian Office transmitted the record in the matter of the consolidated applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight Lyman Moss, Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin, and George Nathan Moss as Cherokee freedmen, including the decision of the Commission to the Five Civilized Tribes, adverse to the applicants.

The Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed a motion for review of said decision.

There appears to be no proper reason for granting said motion and it is hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motion for review, have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 3 to Ind. Of.

Cherokee Freed.
D 506

Muskogee, Indian Territory, December 5, 1906.

Sarah Moss,

Kinnison, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, your application for the enrollment of yourself and children as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of your case filed by your Attorneys September 7, 1905, denied.

Respectfully,

Acting Commissioner.

S.W.

Cherokee Freed.
D 505, et al.

Muskogee, Indian Territory, December 5, 1906.

Blue & Bulger,

Attorneys for George B. Duffin, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of George B. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and your motion for review of said case, filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.W-1.
S.W.

Acting Commissioner.

Cherokee Freed.
D 505, et al.

Muskogee, Indian Territory, December 5, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of George B. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of said case filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.W-2.
S.W.

Acting Commissioner.

Cher. Fr. R-911

Cher. Fr. R-911

Trans. from Cher. Fr. D 507

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 5, 1901.

In the matter of the application of Eliza Keys for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:
Smith, of Mellette & Smith, for applicant;
W.W. Hastings, Cherokee Representative.

Q What is your name? A Eliza Keys.
Q What is your post-office? A Vinita.
Q How old are you? A I must be in 40.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Did you ever apply to be enrolled by any other nation or tribe?
A No sir.
Q Is your name on the authenticated roll of 1880? A No sir, it's on the 1896 I guess.
Q Is it on the Dawes-Clifton roll? A Yes sir.
Q Who do you want to enroll besides yourself? A I have got three children, but they are enrolled with their father.
Q You want to enroll anybody but yourself? A No sir.
Q What is your father's name? A Nathan Duffin, that's what he went by.
Q And your mother's name? A Nancy Thornton.
Q Are you married? A I have been married.
Q What is your husband's name? A John Keys.
Q Have you ever been married to anyone before John Keys?
A No sir.

Examined by Attorney, Smith:

Q Are these children your children and John Keys' children? A Yes sir.
Q Why do they enroll with him? A He just enrolled them since we have been parted.
Q He has already done so? A No, he hasn't this time; he was on the former rolls.
Q Who has the children? A I have them.

Examined by Com'r Needles:

Q Give me the names of your children? A Minnie Keys.
Q How old is Minnie? A 15.
Q What is the next one's name? A Stella.
Q How old is Stella? A 12.
Q Next one? A Effa.
Q How old is Effa? A 10.
Q You say the father of these children has not enrolled them yet?
A No sir, he hasn't enrolled them yet.
Q They are in your custody? A Yes sir.
Q You and him are separated? A Yes sir.
Q Have you been divorced? A No sir.

By Attorney Smith:
Q Your husband is he a Freedman himself? A Yes sir.
Q Is he on the 1880 roll? A Yes sir.
Q You make application for yourself alone? A Yes sir.
Q Were you and your husband married? A Yes sir.
Q Who married you? A Joseph Smith, in Coffeyville.
Q When were you married? A. '79.
Q Have you a certificate of your marriage? A No sir.

Q ~~Was you married~~ We was married by a licensed preacher.
Q Anybody here that saw you married? A Oh yes sir.
Q What kin are you to Sarah Moss? A That's my sister.
Q Have you any brothers? A George and Joshua.
Q George and Joshua what? A George Duffin and Joshua Duffin.
Q Where do you live? A On Big Creek, mile and a halfnorth of Winer.
Q Where did you live before you were married? A I lived with my father on Big Creek.
Q Is that Cherokee Nation? A Yes sir.
Q Where have you lived since you were married? A I have lived about a mile and a half west.
Q When you married husband firstmarried I went with him over on the Verdigris River, and we lived there as long as we lived together.
Q How long did you live together? A About twelve ~~mths~~ years.
Q On what point on the Verdigris River did you live? A About ten miles south of Coffeyville.
Q Is that Cherokee Nation? A Yes sir.
Q You see on the Warnclifton roll? A Yes sir.

Warns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 133 #4439 Eliza Keys, (No district given)

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 120 #2535 Eliza Keys, Cooweescoowee District.

Examined by Cherokee Representative, W.V.Hastings:

Q Were you ever married before? A No sir.
Q Ever have any children by anybody except this man? A No sir.
Q Was Keys ever married before? A No sir.
Q Never had any wife? A No sir.
Q Did you ever live in Kansas? A I guess I was taken to Kansas.
Q Yes but in the last 25 years? A No sir.
Q Never lived up there? A Yes, I have worked up there, went out whenever I wanted to and came back, but the Nation's been my home.
Q Have you never lived up there since you have been married?
A No sir.

Examined by Commissioner Needles:

Q Since you were married you have always lived in the Cherokee Nation? A Always lived in the Cherokee Nation.

Comr Needles: Eliza Keys applies for the enrollment of herself; she avers that she is a sister of George D. Duffin who has been listed for enrollment of D card 505, and of Sarah Moss, who has been listed for enrollment this day on D card 506; the testimony taken in these two cases will be made a part of the record in the case at bar, and copy thereof will be filed with the testimony now being taken; Eliza Keys will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration of the Commission; she will be notified by mail of the decision of the Commission.

----oooo----

M.D.Green,being first duly sworn,states that as stenographer to the

Eliza Keys 3

Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

Subscribed and sworn to before me this June 6th, 1901.

Commissioner.

File with C. F. D. Eliza Keyes 1 [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 5th, 1901.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee Freedman; said Duffin being sworn and examined by Commissioner T.B.Needles, testified as follows

Q Whatis your name? A George B. Duffin.
Q How old are you? A I was born in '51.
Q Well how old would that make you? A 49 I guess, about 49.
Q Whatis your post office? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir
Q Have you ever been recognized by the Cherokee authorities?
A I have been voting and issuing permits.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on anyof the rolls of the Cherokee Nation? A It is on the Kern and Wallace roll.
Q Who do you want to enroll? A None but myself.
Q What is your father's name? A Nathan.
Q Is he living? A No, sir.
Q What is your mother's name? A Francis Duffin.
Q Is she living? A No, sir.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 110, #2345, George B. Duffin, Cooweescoowee District.

Q Were you a slave, Mr. Duffin before the war? A Yes,sir.
Q To whom did youbelong? A Dr. John Thornton.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Fort Scott, Kansas.
Q Who took you out? A The United States troops.
Q Were you a soldier? A Yes, sir; I was a child.
Q When did you return to the Cherokee Nation? A In the summer or fall of '66.
Q Where did you come to? A Big Creek.
Q Have you been living in the Cherokee Nation ever since that time?
A Yes, sir.
Q Are youmarried? A No, sir.
Q Ever beenmarried? A No, sir.
Q You sayyou have voted in the Cherokee Nation? A Yes, sir.
Q Had permits issued to you? A Yes, sir.
Q Who did you return with? A Just the family, we came down, father came down in the summer of '66, with quite a troop of them and selected his home and he went back and sold his crop that fall and came down and arrived on Big Creek in the fall or November of '66.
Q Who did you say your owner was? A Doctor John Thornton.
Q Did he own your father and mother? A No, sir.
Q Whom did ytheybelong to? A He owned mother.
Q Did your father and mother return withyou? A Yes, sir, and four children.
Q They are both dead are they? A Yes, sir.

BY W.W.HASTINGS, Cherokee Representative:

Q What was your mother's name? A Frances Duffin.
Q Do you sometimes go bythe name of George Keyes? A No, sir.
Q You have a sister by that name? A Eliza Keyes.
Q You have another sister, Sarah Moss? A Yes, sir.

Q When you came back you came to Big Creek? A Yes, sir, when we moved.
Q What part of Big Creek was it? A Near the head of Big Creek, near about eight miles fromthe Kansas line.
Q How far is that from Snow Creek? A About ten miles, east ten or 12 miles.
Q Any other family come with you except yours? A No other family.
Q You came right there and locatedfirst? A Yes, sir.
Q Who was living around there atthat time? A On Big Creek?
Q Yes. A Well, there was Andy Dougherty.
Q Was he a Freedman? A Yes, sir; Daniel Sanders, Mike Sanders, and Sam Webber.
Q They were all living on Big Creek were they? A Yes, sir; some of them in houses and some partly in tents and so forth.
Q They had come before you? A Yes, sir.
Q Had they made a crop there thatyear? A They had some little patches killed out.
Q Had corn in them? A They had gathered what corn theyhad, it was in November when I got there.
Q Did you know Jim Martin? A Did I know him?
Q Yes. A Yes, sir.
Q How far do you live from him? A I live about 12 miles from where he lives.
Q Do You know William Noble? A Yes, sir.
Q Where did he live?A He lives about four miles now.
Q How long has he lived there? A I got acquainted withhim in November in the fall of '70.
Q He was not there then? A No, sir. The place he lives on now was made by Doctor Brown.
Q Was any Cherokees living near that place when you come? A Yessir
Q From what place in Kansas did you come? A Anderson County.
Q What point? A Near Garney.
Q Did you come by way of Chetopa? A Yes, sir.
Q Through whatother towns did you pass?A In our coming?
Q Yes. A We came down through a little town that was called Osage Agency I think; thatis about the only town I remember of; we came throughseveral towns, but we came through what is known as the Osage Nation or the Osage Mission, I don't remember now; I remember there was Osage to it.
Q Did you pass by any Cherokee houses in the Cherokee Nation?
A No, sir.
Q Didn't see any at all? A No, sir; never seen a house after we left the little village of Chetopa until I come down to Big Creek.
Q You came down by way of Chetopa and then turned west? A Yessir.

Permissionis granted Mr. Edgar Smith to interrogate the applicant:

Q You state Eliza Keys was your sister? A Yes, sir.
Q And whatis your other sister's name? A Sarah Moss.
Q Who was with you when you came back from Kansas? A Just two wagons, the family.
Q Well, state who was in the family? A My father, mother, brother and two sisters.
Q What are your two sisters' name? A Sarahand Eliza and Joshua.
Q Was Sarah or Eliza older than you? A They are younger.
Q Are they both your full sisters? A Yes, sir.
Q To when did they belong? A The sameman, Doctor Thornton.
Q Did they go out with you? A Yes, sir.
Q Come back withyou? A Yes, sir.
Q When do yousay they came back into the Nation after the war?
A In the fall of '66.
Q Where did they take up their residence; where did they live after they came back here in the fall of '66? A They lived until they became woman in the house with us and Sarah lived withus part of the time; two of her children were born right in Father's house.

Q Those two sister you have named lived with you and your father?
A Yes, sir.
Q Where was your father's house? A About eight miles from the Cherokee line on Big Creek.
BY W.W.HASTINGS:
Q Were these girls married when you come down here?A They was quite small, small children.
Q Have you ever worked in Kansas after you come down here?
A Yes, sir, I have been working a great deal from '87, I travelled in the Ministry.
Q Are you married? A No , sir.
Q Where were you traveling in the Ministry? A All through this Nation and in Kansas, in Arkansas, until '84, father was taken sick and I was going to school.
Q Where? A Baker University, in Kansas.
Q You remember the Osage Mission? A Yes, sir.
Q You remember Chetopa? A Yes, sir; thatis what they was of Chetopa, you know there was not much of Chetopa; there wasn't but one or two stores.
Q I know it was not named until '67? A I think it was there.
BY COM'R NEEDLES: Do you own any improvements in the Cherokee Nation?A Yes, sir.
BY W.W.HASTINGS:
Q You knew that youwere not a recognized citizen of the Cherokee Nation? A Well, I don't know.
Q You knew the Cherokees didn't recognize you? A Yes, sir.
Q What did you make your home for when you knew they didn't recognize you? A I knew I was'nt a citizen if I come by the Cherokees' recognition.
Q You then went out on the public domain and took a home?
A Yes, sir.
COM'R NEEDLES
Q Do you know the reason your name is not on the roll of 1880, Mr. Duffin? A No, sir; in 1880 the census taker came to my father's house andeat supper and breakfast and thenext morning them taken allof our names and I don't know what they done with them.
BY W.W.HASTINGS:
Q What was their names? A I don't know; I didn't know any Indians then only those down in Going Snake District, where I was bred and born.
BY MR. SMITH:
Q You spoke of Chetopa having one or two stores; do you know whether it was named at that time or not? A No, I don't.
Q You had reference to theplace? A Yes.
BY MR. HASTINGS:
Q You heard me say it wasn't named since you give the other testimony didn't you? A I don't remember what yousaid in that regard.
COM'R NEEDLES:
Q Now, Mr. Duffin, you passed by the place that is now called Chetopa didn't you? A Yes, sir.
Q How old were you when you passed by there?A Well I guess I was about 1[illegible]; I think I was 14 when we came to the Nation.
BY MR. HASTINGS:
Q When did you first see Allen Lynch after the war, on Big Creek?
A No, sir, I don't remember; I have knowed him nearly all my life.
ALLEN LYNCH BEING SWORN AND EXAMINED BY COMMISSIONER T.B. NEEDLES, testified as follows:
Q What is your name? A Allen Lynch.
Q Whatis your post-office? A Vinita.
Q How old are you, Mr. Lynch? A 61 years old.

Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Name on the roll of 1880? A Yes, sir.
Q Do you know the applicant, George B. Duffin? A Yes, sir.
Q How long have you known him? A I have known him ever since he was a little boy.
Q Was he a slave? A Well, yes, sir; that is, his parents was.
Q Do you know to whom he belonged? A His father belonged to a man by the name of Tyner.
Q Do you know who his mother belonged to? A His mother belonged to Dr. Thornton.
Q Well now, do you know whether the applicant was taken out of the Cherokee Nation during thewar? A No, sir, I don't know.
Q Where did you first see him after the ware A The first time I saw him was down here.
Q Down where? A In the Nation.
Q Where? A I never seen this man until about '57 or '58.
Q Did you see his father and mother before that? A Saw his father.
Q When? A Saw his father in October or September, '66.
Q Where was his father living then? A His father was living in Kansas and come down here and I saw him at Art Williams'.
Q Was any other man with him? A Not that I saw.
Q You don't know whether the applicant was here in 1866 or not? No, sir.
Q You know his father was? A Yes, sir.
Q Well, have you known him ever since? A Yes, sir.

BY MR. SMITH:

Q Do you know Eliza Keys? A Yes, sir.
Q What kin is she to him? A Sister.
Q Do you know Sarah Moss? A Yes, sir.
Q When did you first see them after the war? A I never saw any of the family until after they moved down except the old man until along in '67, somewhere along in there.
Q Where were they living when you saw them? A They were living over on Pig Creek, and the old man come over there on Grand river and preached for us.
Q Whatyear was that? A In '67 or '68, and on along until he died.

BY MR. HASTINGS:

Q Allen, do you draw a pension? A Yes, sir.
Q For a wound that was inflicted during the war? A Yes, sir.
Q On the point of the left shoulder? A Yes, sir.
Q Where was that wound inflicted? A At Honey Springs.
Q Down Here? A Down in the Creek Nation.
Q What year? A '64 I believe, July 16th, I think that is the time.
Q Now where did you see this man Duffin over on the Grand river? A At Art Williams' on Grand river.
Q Were they living over there? A No, sir; they were there looking around.
Q Did they go back to Kansas? A Yes, sir, they went back to Kansas

FILMORE HICKS, being sworn and examined by Commissioner T.B.Needles, testified as follows:

Q What is your name? A Filmore Hicks.
Q Post office? A Vinita.
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Do you know George B. Duffin, the applicant? A Yes, I amacquanited with him.
Q How long have you known him? A I don't know exactly how long; I have known him; I have known him 25 years I reckon.
Q Do you know whether he was a slave before the war? A No, sir, I don't.
Q Do youknow whether he was taken out of the Cherokee Nation during the war? A No, sir.

Q When did you first see him after the war? A I met him about '73 or '74.
Q Did you know his father? A Yes, sir, I knew his father.
Q And his mother? A No, sir, I didn't know his mother.
Q Where did you first see his father after the war. A On Grand river at Lynch's prairie.
Q Whatyear? A '65.
Q Did he have his family with him? A No, sir.
Q Did you see any other members of his family, his sisters?
A In '66?
Q Yes?A No, sir.
Q Didn't see anybody but the old man? A No, sir.
BY MR. DUFFIN, the applicant:
Q I would like to ask Mr. Hicks before this Commission what was father's business down in '66? A Well I saw him up there at Lynch's and he was talking about looking out for places him and Tom Mayfield together looking for locations.
BY MR. HASTINGS: He went on back to Kansas? A I suppose so.
COM'R NEEDLES: Q How do you know? A I don't know.
Q Did you testify for Aaron Martin? A Yes, sir.
Q Anderson Lynch, commonly known as Crap Lynch, testified for him?
A No, sir, I don't think he did.
Q Didn't Aaron Martin promise to give you and Anderson Lynch a mule to testify for him? A Promised to pay.
Q What? A Yes, he paid us for it
Q A mule? A Yes, sir.
Q What is the mule worth?A I don't know
BY COM'R NEEDLES:
Q When was that? A When the commission was at Vinita.
Q Well, he was as good as his word and paid the mule did he?
A Yes,sir.
MOSES RILEY, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A Moses Riley.
Q Whatis your age, Mr. Riley? A About 51.
Q Post office address? A Chelsea.
Q Are you a Cherokee Freedman? A Yes,sir.
Q Is your name on the roll of 1880? A No, sir.
Q Well, do you know the applicant, George B. Duffin? A Yes, sir.
Q How long have you known him? A All my life, might near.
Q Was he a slave? A I never saw him when he was a slave, I saw his father.
Q His father was a slave was he? A Yes, sir.
Q Do you know whether George here was taken out of the Cherokee Nation during the war? A Yes, sir
Q Where was he taken?A Kansas.
Q Who took him? A I don't know, sir, who took him
Q You saw him in Kansas? A Yes, sir.
Q Did you know whenhe returned to the Cherokee Nation? A His father returned here the fall of '66, or somewheres along about there.
Q Did his father have his family withhim? A He didn't when I saw him..
Q You say his father didn'thave his family with him? A No, sir, his father was at my father's house.
Q When did you first see George? A I knew George a little before Christmas.
Q Little before Christmas? A Yes, sir.
Q What year?A The same winter.
Q The same winter that you saw his father in the summer? A No,sir. I saw his father, I never saw his father until the winter.
Q When did you see George? A I saw him the same winter, saw him on Big Creek.
Q Do you know whether tha was '66 or '67?A Winter of '66.
Q Was his father keeping house there? A Yes sir. his father was

keeping house.
Q George was one of the children? A Yes sir.
Q George was a minor; was he under 21? A Yes, sir.
BY W.W.HASTINGS:
Q Now, you are a son of Riley Mc Nair? A I guess so that is what I am claiming to be.
Q That is what you swore? A Yes, sir.
Q You are on a doubtful card yourself? A I expect so, I am not on the 1880.
Q You applied at Vinita and you know it?A Yes, sir.
Q Were you present the other day when Mrs. Martin Thompson testified in your case? A Yes, sir.
Q Where did you go whenyou returned to the Cherokee Nation yourself? A Returned to the old McNair place inSaline.
Q What time did you reachthere? A In the fall, sir.
Q How old were you then? A I don't know, sir, how old I was.
Q Grown? A No, sir, I wasn't grown I know.
Q Just a boy? A Somewheres along 'tween a boy and a lad.
Q Now, how far is Grand river from Big Creek? A Yes, sir.
Q From where you lived on Grand river to where this manlived on Big Creek: A I expect it must have been about 30 miles, I expect from where we was then.
Q Lots of other people living up on Big Creek atthe time? A Yes, sir, lots of darkies.
Q Lots of them? A Yes, sir, lots of them.
GEORGE B. DUFFIN, the applicant, re-called;
BY COM'R NEEDLES:
Q Your earliest recollection where were you? A My earliest recollection I was down here in Going Snake District about six miles they called it from Dutch Town, that is where I was born.
Q Then you recollect going to Kansas? A Yes, sir, I nevercculd forget that, we left the Nation with about 50,000 soldiers, and they carried us about 20 miles horseback.
Q Now, whenyou returned did you return with your father's family? A Yes, sir.
Q Youdon't recollect whether your father had been down in the Cherokee Nation before he went back after his family or not? A Yes, sir, he came down the summer preceding the fall looking out a location.
Q Then went back to Kansas after his family? A Yes, sir.
Q Did he bring your mother? A Yes, sir; well out crops and effects there all we could haul and come on down.
Q You were quite a child then? A Yes, sir.
Q About how old were you? A It has been quite a while but I think I was about 14.
Q You have been living in the Cherokee Nation ever since? A Yessir
Q Youhave been out occasionally in the Ministry, around inthe different states? A Yes, sir, I have been in Missouri, and Kansas and Arkansas and in this Nation.
Q Have you ever established a home outside? A No, sir. I went two years to school at Baker University.

COM'R NEEDLES: George B. Duffin applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is fully identified upon the Kern-Clifton roll and Wallace pay roll. By reason of the fact that his name is not on the roll of 1880 and the further fact that his cisizenship is contested by the Cherokee Nation, George B. Duffin will be listed for enrollment as a Cherokee Freedman on a doubtful card He will be notified of the decision of the Commission when arrived at.

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George E. Duffin 8

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 7th dayof June, 1901.

(signed)C.R.Breckinridge,
Commissioner.

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M.L Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M L Green

Subscribed and sworn to before me this September 11th, 1901.

Commissioner.

File with case of Eliza Keys, C.F.-D.#507.

Sal.C.F.-D.#505.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 25th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George W. Duffin as a Cherokee Freedman, introduced on part of the Cherokee Nation:

Appearances:
Mellette & Smith, Counsel for applicant;
Mr. Hastings, of Counsel for Cherokee Nation.
(Witnesses called, sworn and placed under the rule.)

W. A. JOHNSON, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A W. A. Johnson.
Q What is your age, Mr. Johnson? A 71 years.
Q What is your post office address? A Barnett, Kansas.
Q How long has that been your post office? A Since 1858.
Q Did you know a colored man by the name of Nathan Duffin?
A Yes, sir.
Q Did you know his wife, Frances? A I don't know what his wife's name was.
Q You knew her, knew he had a wife? A I knew he had a wife.
Q Did you know any of his children? A I knew two boys, two sons, young men.
Q Do you remember their names? A I do not, I don't know that I ever knew their first name.
Q Did he have any girls you remember? A Yes, he had a couple of girls, but I don't know what their names was.
Q Well, when did you first learn to know this family? A About '66.
Q Where did they live at that time? A They lived in the vicinity of Garnett, Kansas.
Q Live on the farm? A Yes, sir.
Q Did you know what old man Duffin's occupation was?
A He was a preacher.
Q How long did they continue to live in that vicinity from 1866?
A My recollection is that they were there in the spring of '70.
Q What fixes that date as the date that you think they were there last?A That was the date in which the Leavenworth, Florence & Galveston railroad was built to Garnett, and they were there during the building of that road until it was down to Garnett, and I know that they were there from the fact that they hauled railroad ties right past my house to the road until it was finished.
Q How far did they live from you, Mr. Johnson? A About two mile and a half.
Q Did you have occasion to see them frequently? A Saw them almost ever day, that is the two young men.
Q Did any of them ever work for you? A Yes, sir, I had them chop wood for me.
Q You remember when that was? A I think that was in the winter of '67 and '8.
Q I believe you stated that you are a practicing attorney at Garnett, Kansas? A Yes, sir.
Q You also stated in another case that you had been County Attorney and Judge? A Yes, sir.
Q Up in the States of Kansas? A Yes, sir.
Q You didn't know but two boys of Duffin's? A That is all I have recollection of now.

MR SMITH: Mr. Johnson, you don't know whether the men or the boys that you knew there whose names you didn't know are the men who apply in these applications for enrollment do you? A No, sir, I do not, I haven't seen the men since they left Kansas.
Q Now, when did you last see the girls? A It was somewhere about the spring of '70.
Q Well, now, you spoke of the boys having got wood for you in '67 or '8, did you have any occasion to know anything about the girls at that time? A Nothing more than the fact that the girls were there about the house where their father lived , the man I supposed to be their father.
Q Where did they live? A They lived about two miles southeast from Garnett on the farm owned by Judge Campbell.
Q They lived out in the country on the farm? A Yes, sir.
Q And you lived in Garnett? A No, sir, I lived adjoining Garnett.
Q Did you live on a farm? A Why I lived on a small tract of land adjoining the City.
Q Well practically you lived in Garnett? A Yes, sir, my office was in Garnett and has always been.
Q When was the last time you could state that you have been at the house of these people? A I could not state that exactly, but it was sometime about the time the railroad was completed to Garnett.
Q Well, you stated that you remember seeing the father and I don't know whether you said the boys or not, working there hauling to the time the railroad came there, but did you see the girls at the same time, they weren't hauling? A No, sir, but I frequently passed the place, I have seen them around the house.
Q Who would you see around the ho use? A I would see some girls there.
Q How many? A Two that I remember.
Q What was the difference in their sizes? A I have no recollection now whether there was any particular difference in the sizes or not.
Q You don't kno what two girls they was? A No, sir; I understood that they were Duffin's girls.
Q Were you ever at the house? A Yes, sir, I have been at the house, not in the house but I have been at the house.
Q When did you first know Duffin? A I think it was in the winter of '66.
Q Can you state positively whether Duffin was there in the winter of '66 and spring of '67? A In the Spring of-
Q Winter of '66? A Well, that is my best recollection.
Q But you can't state that positively? A No.
MR. HASTINGS: You mean to say by that that you don't know just any one time or what did you mean by that? A I mean by that that I could not be positive about just the exact time I saw him there.
Q Did you ~~xxxx~~ see him up until the spring of '70? A Yes, sir, I saw him frequently then.
MR. SMITH: Now, let me understand you, I want to know whether you can state positively whether he was there at all during the winter of '66 and spring of '67? A I would say he was.
Q Now, what time did you see him in the spring of '67? A I could not say just what time, there is nothing by which I could distinctly fix the time.
Q If you can't fix the time you don't know he was there?
A Well, sir, I had just come home from the army during the winter of '65, and when I came home a short time afterwards ~~x~~ I got acquainted with him.
Q Well, now, how long afterwards? A I could not say how long.
Q About how long? A It has been a good long time ago, abo ut, probably it was three months.

Q That time did you get home from the army? A I got home on the day of the election in November.
Q Wh t was in '65? A Yes, sir.
Q And you don't know within three months of that time you first got acquainted with Duffin do you? A Yes.
Q Now, what time? A I say about three months after that.
Q About three months after November, 1866? A 1865.
Q Then one year from that time where was Duffin? A I could not say just where he was just one year after that.
Q Have you anything by which you fix these dates at all, or are you testifying from your independent recollection of facts?
A I am testifying from my recollection of facts, except I know that the railroad was completed to Garnett on the first day of Mary 1870, and that they were there then.
Q Can you state with reference to the two girls you mentioned when, before that railroad was completed, when you last met them and under what circumstances? A No, sir, I could not state under what circumstances I saw them at any time, simply see them there about the house as I would see any other lady.
Q Was there a man up there named Amby? A Hamby.
Q Hamby? A Yes, sir.
Q Did they live on his place? A I am not certain whether they did or not.
Q Do you have any recollection of their ever being on there or living on that place at all, Hamby's place, the preacher?
A No, sir.
Q Well, what do you say about that, were they on his place, or do you remember? A Not that I recollect of and I think too they were, but I am not positive about that, it has been a long time ago, and I haven't thought about those matters.
Q Did you see this man, Nathan Duffin, in October, '66?
A I could not say whether I did or not.
Q Can you state whether ix he was in Arkansas during October or September, '66? A It would be my recollection that he was, but I could not fix any particular time that I saw him in the fall of '66.

Com'r Needles: This testimony will be made part of the record in the case at bar, D-505, and also will be made part of the record in Cherokee Freedmen cases D-506, D-507, D-509, D-510.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Rosson

Subscribed and sworn to before me this November 12th, 1901.

Commissioner.

To be filed in the case of Eliza Keys, Cherokee Freedman Doubtful 507.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Ind. T., May 19, 1902.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee freedmen.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for the Cherokee Nation.

J. M. Johnson, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. J. M. Johnson
Q. Postoffice is Garnett, Kansas? A. Garnett, Kansas.
Q. Age is 50? A. 50.
Q. You have been a resident of Garnett since '59? A. Yes, sir.
Q. Did you know a colored man up there by the name of Nathan Duffin? A. I did, yes, sir.
Q. Did you know his family? A. I did, that is part of it, boy.
Q. Did you know what Nathan did, what occupation? A. Yes, sir.
Q. What was it? A. He was a preacher.
Q. Did you know any of his boys? A. Yes, sir, I knew George, and Joshua I think the other one's name was.
Q. Where di they live when you knew them? A. They lived about two miles and a half of Garnett.
Q. Two miles and a half of Garnett? A. Yes, sir.
Q. Well now how long did they continue to live there? A. They lived there until - they were there in the year '70, and I don't know just what time they left.
Q. They left sometime after that? A. They left after that, yes, sir.
Q. Did you see them frequently? A. Yes, sir, I worked with him on the railroad in '70.
Q. What railroad was that? A. The Santa Fe, then at that time was L. L. & G.
Q. Do you know they were there when that railroad was built?
A. Yes, sir, they were hauling ties.
Q. And that is why you can fix that date? A. Yes, sir.
Q. Well did they live there from the time you first knew them up to that time? A. Yes, sir.
MR. SMITH: When was it you first knew them? A. In '65.
Q. Who did you first become acquainted with? A. The old gentleman.
Q. What year was it when you first knew George Duffin? A. The same year.
Q. What time of the year did you become acquainted with George?
A. Some time about the spring of the year I think.
Q. Well when did you first become acquainted then with the old man?
A. Now I don't think - I think it was in the spring of '65.
Q. Well how long a time had elapsed between the time you first knew the old man until you knew the other. A. Only a short time.
Q. Well about how long? A. Probably not more than a week or ten days.
Q. How old was George at that time? A. I couldn't say; he was about my age, I think a little older.
Q. What was the old man's name? A. Nathan, yes, sir, that's what we called all of them.
Q. He was a preacher, the old man? A. Yes, sir.
Q. What was George? A. He worked around on the farm, he and the other boy.
Q. They wasn't preachers was they? A. No, sir, they were working out, hauling, teaming around, and farming.
Q. How far did he live from you, old man Nathan? A. Well part of the time he lived in a half a mile from Garnett, and part of the time about two miles and a half.

Q. From you? A. Yes, sir.
Q. Well did you remain all of the year of '65 in Kansas, in Garnett?
A. Yes, sir.
Q. Were you there all the year of '66? A. Yes, sir.
Q. '67? A. Yes, sir.
Q. '68? A. Yes, sir.
Q. '69 and '70? A. Not all the time in '70.
Q. Well what were you doing in Garnett in the same year of '65 to '67? A. Well, in the winter time I was in school; during the summer months I was working around the farm.
Q. What farm, where was your farm? A. I was farming for Spriggs and in '69 I was working on the railroad .
Q. When did you last see George Duffin? A/ We were working on the railroad, I think in '70, spring of '70.
Q. 32 years ago? A. yes, sir.
Q. Well where was old man Duffin at the time George was working on the railroad? A. I think he was living up there in the county, up on the farm.
Q. Well are you sure about that? A. Not positively, no sir.
Q. Was he in that county? A. Yes, sir.
Q. You are sure of that? A. Yes, sir.
Q. Well if he wasn't living up there on that farm where else was he in that county? A. He might have been living over there on Mandovia, an addition to the City of Garnett.
Q. You swear that he was in Franklin County, Kansas, old man Nathan Duffin, at the time those boys were working on the railroad?
A. In Franklin County, no, sir.
Q. Then what county? A. Anderson County.
Q. Anderson County, Kansas? A. Yes, sir.
Q. You are sure about that? A. No, sir, I am not so positive sure about that.
Q. Well if you are not sure about it why do you state it? A. The family left there together.
Q. Well, now what do you say; was he in Anderson County, Kansas, while the boys were working on the railroad or not? A. He was.
Q. You are just as positive about that as you are to anything else that you testify to? A. Yes, sir.
Q. Now as a matter of fact don't you know that old man Duffin and the boys both had come away from there and were down here in the Cherokee Nation, and that the boys went back up there in '70 and worked on that railroad? A. No, sir.
Q. That is not a fact? A. That isn't so.

COMMISSION: This testimony will be filed with and made a part of the record in the following doubtful freedmen cases: Sarah Moss et al, D-506, Eliza Keys, D-507, Joshua Duffin, D-509, George N. Moss, D-510, and George B. Duffin, the case at bar. D-511. It appears from the records of this Commission that all of the applicants in the above named cases are represented by Mellette & Smith.

Arthue G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed - Arthur G. Croninger,

Subscribed and sworn to before me this 28th day of May, 1902.

Signed P. G. Reuter,
Natary Public.

Muskogee, Indian Territory, July 9, 1902.

R. A. Stevens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly copied the testimony and proceedings in the matter of the application of George B. Duffin for enrollment as a Cherokee freedman, D-511, and that the above and foregoing is a true and correct copy thereof.

R. A. Stevens

Sworn to and subscribed before me this 9th day of July, 1902.

B. O. Jones
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mallote & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Milner, Trustee for the Freedmen, vs The Cherokee Nation, No. 17208 filed in the Mariah Hayden case F D 490, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Eliza Keys, D 507;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the rights of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court, the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

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Cherokee Freedmen D 508,
et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I. T., JULY 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications for the enrollment of GEORGE B. DUFFIN, SARAH MOSS, ET AL., ELIZA KEYS, JOSHUA DUFFIN, GEORGE N. MOSS, and FRANK DUFFIN as Cherokee freedmen.

It appears that on June 4, 1904, the applicants, their attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 16, 1904, and then and there introduce further testimony touching the points mentioned in said letter, and on June 16, 1904, this case was continued by agreement until this July 16, 1904, when the following testimony was introduced.

APPEARANCES:
The ~~xxxx~~ principal applicants present in person, and by attorney, W. . Blue.
Cherokee Nation by its attorney, James S. Davenport.

GEORGE W. LYNCH, being first duly sworn, testified as follows on behalf of the applicants.

Q By the Commission:
Q What is your name? A George W. Lynch.
Q How old are you? A I was born December 1852.
Q What is your post office address? A Vinita.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know George B. Duffin, who has applied for enrollment as a Cherokee freedman? A Yes, sir.
Q Do you know Sarah Moss? A Yes, sir.
Q Do you know Eliza Keys? A Yes, sir.
Q Do you know Joshua and Frank Duffin? A I know Joshua but I don't remember Frank.
Q Do you know George N. Moss? A Yes, sir.

By Mr. Blue:
Q Did you know Nathan Duffin? A Yes, sir.
Q Where and when did you first see him? A I never saw him in my life until '67.
Q What time in 1867? A It was about the first of February, '67.
Q Where did you see him? A On Big Creek.
Q About how far from the Kansas line, south line of Kansas? A Making an estimation I think it was somewheres from six to seven miles.
Q In what direction from the Kansas line? A South of the Kansas line.
Q You saw him at that place, did he have a house or place to live in there? A He had a kind of a rough double log house.
Q What time in the day were you there at his place? A We got there very early in the morning, before they had eat breakfast.

Q Who was you with at that time? A A man by the name of Art Williams.
Q Was he a white or colored man? A Colored man.
Q Where were you going at that time? A He was going there, but I was enroute to enlist in the Army.
Q Did you proceed on and enlist in the Army? A Yes, sir.
Q What regiment did you enrlist in? A Company C, 10th Cavalry.
Q At what place? A I went to Fort Leavenworth.
Q Do you remember the date of your enlistment? A No, sir, I don't remember right now, in the Spring of '67.
Q After you saw Mr. Duffin there where did you next see him? A I never saw him more until I went in the Army and come back.
Q How long were you in the Army? A I went in in '67 and come out in '72.
Q How soon after you came out of the Army did you next see Mr. Duffin? A I judge it was about along in '73.
Q Where did you see him? A I saw the old man first, after I come back over on Grand river, with an old preacher by the name of Rider, they were over there at a meeting.
Q In what Nation? A Cherokee Nation.
Q What was Mr Duffin's business? A He was a preacher.
Q Do you know George Duffin? A Yes, sir.
Q When did you first see his, if you remember? A I first saw George when Art Williams andI went to the cabin that morning and got breakfast.
Q That was in 186?? A Yes, sir.
Q Who else of the Duffin family did you see there at that time?
A As all as I remember I saw two boys and two girls.
Q Did you afterwards ascertain who they were? A Yes, sir.
Q Who were they? A It was George and Joshua and Sarah and Eliza.
Q George and Joshua and Sarah and Eliza who? A Duffin's always known as Duffins, sometimes called Tyner, I don't know where that name come from.
Q Do you mean by that that Nathan Duffin was sometimes called Tyner? A Yes, sir.
Q By what name does Eliza Duffin now go? A By Eliza Keys.
Q How about Sarah Duffin, by what name does she go now? A By the name of Sarah Moss.
Q Did you see Eliza Keys after 186?, when you first saw her there at her father's house? A Yes, sir, frequently since that.
Q Have you seen Sarah frequently since that, too? A I saw her now and then, but not as often as I have Eliza, but I have seen her several times since that.
Q How long did you remain at Nathan Duffin's cabin in February, 1867 when you went there? A Ate breakfast and sat around there an hour or two and talked.
Q Then what did you do? A Art showed me how to go down the creek, where my grandfatherwas living down there, and some more folks, and he went on his way.
Q Did you go on yours, too? A Yes, sir.

By Mr. Davenport:
Q As I understand you, Nathan Duffin, together with George Joshua Sarah and Eliza, was living in a double log house in Cowescoowee district about the first of February, 1867? A Yes, sir.
Q Did you have any conversation with Nathan Duffin at the time you were there as to where he went during the war? A No, sir, had no conversation with him at all; it seems that him and Art Williams were acquainted and I listened to them talk.

Q Did you hear any conversation between them as to where the Duffin family went during the war? A No, sir.
Q There was no thing passed then between Art Williams and Nathan Duffin as to whether or not Art had left the Cherokee Nation during the war or that Duffin and his family left? A If I did I don't remember it.
Q After this time you claim you saw them there in 1867 it was five or more years till you saw them any more? A It must have been six years.
Q It was after you came out of the Army? Yes, sir.
Q Were they living on the same place when you saw them again? A I didn't come back on the same place; I saw the old man and the boys frequently but not at their homes.
Q Have you since that time learned whether or not Nathan Duffin and his family went out of the Cherokee Nation during the war? A I don't know as I have; I have no knowledge of it.
Q You haven't learned it from any of the family? A I believe I have heard it mentioned that they went out of the Cherokee Nation during the war.
Q You have never heard them tell about having lived about Ottowa, Kansas, with old man Campbell, have you? A No, sir.
Q Never heard George here and his brother tell about hauling xcross ties to build that railroad when it built into Ottowa, Kansas? A No, sir.
Q Have you ever talked with them about their taking a lease from old man Campbell for clearing out a piece of land, near Garnett, Kansas? A No, sir, I have never heard of that.

GEORGE CAMPBELL, being first duly sworn, testified as follows on behalf of the Cherokee Nation.
By the Cherokee Nation:
Q What is your name? A George Campbell.
Q How old are you? A 58.
Q What is your postoffice address? A Garnett, Anderson County, Texas.
Q Are you a citizen of the United States? A Yes, sir.
Q Do you know the applicants in this case who have applied here to be enrolled as Cherokee freedmen, George B. Duffin and Joshua Duffin, and Sarah Moss, et al? A I used to know them, but haven't seen them for a good many years

By Mr. Davenport:
Q Mr. Campbell, how long have you lived in or near Garnett, Kansas
A Ever since 1856.
Q Where were you living with reference to Garnett, Kansas, in 1865?
A The latter part of 1865 I lived 2 1/2 miles east.
Q Of Garnett? A Yes, sir.
Q Did you know a family of coloredpeople there in 1865 by the name of Duffin? A Yes, sir.
Q Do you remember the name of the old gentleman? A Yes, sir.
Q What was his name? A Nathan.
Q What was his business? A He farmed and he preached.
Q Where did he live when you first got acquainted with him? A The first I knew of them they lived on a place right west of us, adjoining us, Gibson.
Q Gibson place? A Yes, sir.
Q After you got acquainted with them, where did they live? A On my father's place; leased some land there for three years.

Mr. Blue: We object to that as not being the best evidence.
Commission: Objection noted.

Q What was your father's name? A J. Y. Campbell.
Q How long did the Duffin family live on your father's place after they moved there? A I think they lived there three years out; they were there in 1868, I know.
Q What makes you remember they were there in 1865?

Mr. Blue: Objected to as incompetent, immaterial and irrelevant.
Commission: Objection noted; witness will answer.

A Well, in 1867, July 4th, I enlisted to go out on the plains in the Army, and they were there when I come back, and I farmed with them the next summer.
Q Did you work on the same farm that belonged to your father that the Duffins lived on while working your father's farm? A Yes, sir.
Q You were then about how old? A About 22.
Q Do you remember the names of the family of how many there were in the family? A There were two boys and two girls and the father and the mother, six.
Q Do you remember whether there were any other children? A I don't know.
Q Do you remember the names of any of the children? A One was named George, and I think the others name was Frank.
Q Do you know the girls' names? A One was named Eliza and I don't know the other name.
Q Have you ever seen the boys or the old gentleman since that time?
A George was at my house once since then.
Q When did they move from your father's place? A I just can't tell you just when they moved away.
Q They were there the crop year, the last year you remember? A. '68
Q They were there in July in 1867? A Yes, they lived on the Gibson place at that time.
Q In the neighborhood? A Yes, sir.
Q From the time you got acquainted with them in 1866 up to 1868, had they moved out of the neighborhood? No, sir, they hadn't moved out.

By Mr. Blue.
Q In what regiment did you enlist to go on the plains? A 18th Kansas.
Q Was that the regiment that was raised in Kansas for Indian service after the war? A Yes, sir.
Q Col. Crawford was Col.? A No, sir, he was Col. of the 19th.
Q Who was Col. of the 18th? A Didn't have none.
Q Who commanded it? A Major Moore.
Q Where did he reside? A At Lawrence.
Q Is that the Mr. Moore that was afterwards elected to Congress from the second district? A Yes, sir.
Q How long were you in the service of the 18th Kansas? A I enlisted for five months, but got out; went in in July and got out in December.
Q Went out in July of 1867? A Yes, sir.
Q Did you serve with the 19th Kansas? A No, sir.
Q In what troops did you serve? A We served with the 10th cavalry.
Q 10th colored cavalry? A Yes, sir.
Q Who commanded it? A A man by the name of Arms.

Q He commended your battalion all the time you were out? A Yes, sir
Q When did you enlist in that regiment? A In July, 1867.
Q What time in July? A 4th of July we enlisted; mustered in the 15th of July.
Q Where did you enlist? A Garnett.
Q Who was the officer that enlisted you? A Johnson I think.
Q What Johnson? A Col. Johnson, or Captain Johnson.
Q Alex? A Yes, sir.
Q Did Alex serve in the 14th? A No, sir, he was under Capt. Jennings of Ottowa.
Q You say you knew Nathan Duffin? A Yes, sir.
Q Where did you first meet him? A I first met him at Garnett.
Q At what place? A Right east of Garnett.
Q When was that? A In 1865.
Q What time in 1865? A Must have been about the first of September, I didn't come until the latter part of August.
Q Did you serve in the Union Army before that? A Yes, sir, in the 2nd Kansas Cavalry.
Q Is that Cloud's regiment? A Yes, sir.
Q When did you come back from the service out in the 2nd Kansas after the war closed? A Yes, sir, mustered out at Lawrence.
Q When? A 13th of August, 1865.
Q Then where did you go? A I come right home to Garnett.
Q You saw Nathan Duffin after that? A Yes, sir.
Q Where did you say he was, was to whose farm he was on? A A man by the name of Gibson.
Q His first name? A John.
Q Where is Gibson now? A He is dead.
Q Did he ever hold any official position in Anderson County, Kansas? A Not that I know of.
Q When you saw Nathan Duffin out there what was he doing? A Farming.
Q What kind of a house did he live in? A Board house, boarded up and down, on Gibson's place, and built a long house on our place.
Q On Gibson's place we was living in a board house? A Yes, sir, in what they sometimes called a Yankee frame.
Q Was that the main house on the farm? A No, sir.
Q Who lived in the principal house on the place? A Gibsons.
Q That the owner of the land? A Yes, sir.
Q How much of a farm did Gibson have there? A I think 120 acres.
Q Did the old man have a team, old man Nathan? A Yes, sir, he had a team; I think he had two.
Q Were you ever in the house he lived in while he was living in it.
A No, sir.
Q The old man was a preacher, wasn't he? A Yes, sir.
Q In the practice of his profession he went from place to place, didn't he? A I don't think he went around much.
Q Do you know anything about it? A I know he preached.
Q You don't know whether he went off and preached? A No, sir, I don't know.
Q Did you ever go up to the Gibson place to see what kind of crops they had? A Yes, sir, I have been around that way.
Q What kind of crops did the old man tend there? A I don't know, it was late in the season when we come home.
Q You don't know much about the crops? A No, sir.
Q That was in 1865? A Yes, sir.

Q Do you know anything about what he did in 1866? A He farmed on my father's place.
Q What was your father's name? A Jim Campbell.
Q Where is your father now? A He is dead.
Q How long has he been dead? A 10 or 15 years.
Q In what kind of a house did Nathan Duffin live on your father's place? A Log house.
Q Old or new one? A He built it himself.
Q When? A In the fall of 1866, late in the winter.
Q How close was it to the principal house on the place? A About a quarter.
Q Were you in that house while Nathan lived there? A Yes, sir, I think so.
Q More than once? A I don't know how many times.
Q You are not positive? A No, sir.
Q Was it there where you said he had two boys and two girls? A Yes, sir.
Q Would you know either one of them if you were to see them again? A I don't suppose I would.
Q How long has it been since you saw either of them? A I don't recollect seeing them since 1866, any except George.
Q When and where did you see George? A He come to my house in Garnett.
Q When was that? A I don't know how long that has been; I don't recollect; quite a while ago, though.
Q How long did he stay at your house when he came? A Not but a little bit, a few minutes.
Q Did you think with him? A Yes, sir.
Q You are not positive as to how long ago that has been? A No, sir.
Q You say he cropped down there in 1866, built a house on your father's place in 1866? A Yes, sir.
Q Who cropped there? A Nathan Duffin.
Q Was he there all the time? A I couldn't tell you that; whether he was or not.
Q Was he there in 1867? A Yes, sir.
Q Was he there all the year of 1867? A I cant tell you; I was away five months.
Q Five months of 1867 you were not there? A Yes, sir, that was from July to December.
Q Where had you been living the fore part of 1867, there at home or that place? A Yes, sir.
Q What were you doing there then? A Farming.
Q What were you doing in January of 1867? A I don't know.
Q What were you doing in February, of 1867? A I expect we were clearing land.
Q You haven't any definite recollection about that? A No, sir.
Q That has been a good while ago? A Yes, sir.
Q Just after the war? Yes, sir.
Q You say that Mr. Nathan Duffin was there in 1868? A Yes, sir.
Q What time in 1868? A There till fall anyway; he raised his crop.
Q What month in 1868 did he leave? A I don't know, I know he was there in 1868.
Q How do you know? A I worked with him.
Q What at? A Plowing corn.
Q You and he plowed corn together in 1868? A Yes, sir, right together.
Q What time of the year? A Along in June and July, not much in July, corn got too big.
Q You don't know what you were doing in January and February 1867, only, that you worked there on the farm? A That's all.

Q You think Nathan Duffin raised a crop there in 1868, and left in the fall of 1868? A He left in the fall or the next spring.
Q Did his sons and daughters remain there after he left? A No, sir.
Did they all go away together in 1868? A Yes, sir.
Q You never saw them after that, except George at your place at Garnett once? A Yes, sir.
Q You don't know anything about them after they left there in 1868?
A No, sir.
Q Coming back to the Gibson place, please state what direction from the main or principal house on the Gibson place was this little house in which Nathan Duffin lived? A It was pretty near west, as well as I can recollect.
Q How far from the principal house? A Two or three hundred yards.
Which west? A I think so.
Couldn't it have been southwest? A I think they had a log house in the timber line, about half a mile, but I don't think the Duffins lived in that house; I think [illegible] by the name of ----- I do don't remember his house--- he was a Turkey, lived there.
Q You said a while ago they lived in a little house, Yankee frame?
A There were two families lived on this Gibson place if I remember right.
One in a log house? A Yes, sir, that somebody lived in.
Duffins didn't live in that house? A I don't think so.
How far was this little Yankee frame house from the log house in the bottom? A It was half a mile, I think.
Q In what direction from the log house in the bottom was the Yankee frame house in which they lived? A It was north.
Q You don't know who built that log house? A No, sir.
Are you sure that that log house was on the Gibson place? A Yes.
Are you sure that this little frame house was on the Gibson place? A Yes, sir, I know it was.
Are you know that the principal house on that farm was also on what you call the Gibson place? A Yes, sir.
Q Then all three were on the Gibson place? A Yes, sir, there were three houses on it.
Q You speak about these parties having a lease there on your father's farm, are you positive about that? A I never seen the lease but that was my understanding.
Q Isn't it a matter of fact that a man by the name of Mayfield had that lease? A Mayfield had a house, too.
Isn't it a fact that they never had a lease on your father's place? A I don't know; that was my understanding.
Q Then you don't know of your own personal knowledge? A No, I know-----
Q Isn't it a fact that they lived in a little room built up against the house that Mayfield lived in? A They lived in the log house; I think it was a double house.
Q Are you sure that the house you say they lived in was on your father's farm? A Yes, sir.
Q You are positive about that? A Yes, sir.
Q Are you positive that they lived on Gibson's farm at any time?
Yes, sir, I think they are the same people.
Q Isn't it a fact that it was Mayfield that lived on the Gibson farm and that Duffins didn't live there at all? A I got them mixed if it wasn't them.
Q You don't know absolutely of your own knowledge, do you, Mr. Campbell? That is my opinion.
Q But as to the fact you are not certain, are you? A I am pretty certain, yes, sir.

Q If it turns out that they never did live on it, you are mistaken, then? A I would be, yes, sir.
Q I ask you again if it wasn't the Mayfields that lived on the Gibson place and Duffins never lived there? A I don't think the Mayfields lived on the Gibson place.
Q But if they did you are mistaken? A Yes, sir, without they all lived there like they did down below.
Q Isn't it a fact that Mr. Mayfield took a lease on the Gibson place and there was no house at all on the Gibson place at all?
A Yes, sir, there was a house on the place.
Q You are sure of that? A Yes, sir.
Q Can't be mistaken? A No, sir.
Q What date was that? A 1865.
Q You are positive it was 1865 when you saw them that month was it?
A It must have been September.
Q Then it was the fall or winter of 1865? A Yes, sir.
Q And you are positive there were three houses on the Gibson place? at that time? A It may not havebeen at that time, but there were three houses.
Q How many houses at that time? A Three, I think, that is my recollection.
Q This log house, one frame house and the principal house? A Yes, sir.
Q What kind of a house was it? A Story and a half house; kitchen to it, facing the east, a shed kitchen.
Q Do you know what was the occasion of George Duffin's being at Garnett when you say you saw him? A No, sir.
Q Did you learn from him where he had been or was going? A I never asked him; I might have, but I don't recollect it.
Q Do you remember anything about his having gone to school at Baker University? A I believe he told me he had.
Q How long did you converse with him that day? A Not very long.
Q Do you remember what he said to you at that time? A No, sir, I don't remember what we talked about.

By Mr. Davenport:
Q Was George big enough for you to recognize him now if you should see him? A I wouldn't know him.
Q Has George had any conversation with you since you have been here this time? A No, sir.
Q You have been around here with him since yesterday? A Yes, sir, but I didn't know that was him for certain.

By Mr. Blue:
Q Are you able to identify any of these people? A No, sir, not for certain; I think that is George.
Q But you don't pretend to say absolutely, that it is? A No, sir.

THOMAS FOSTER, being first duly sworn, testified as follows:

By Mr. Davenport:
Q What is your name? A Thomas Foster.
Q Where do you live? A Garnett, Kansas.
Q You are a citizen of the United States? A Yes, sir.
Q How long have you lived in Garnett? A Come there in 1865.
Q Did you know a gentleman by the name of Campbell at Garnett?
A Yes, sir.

Q Did you live with him? A Yes, sir.
Q What was his name? A J.Y. Campbell.
Q While you were living with him did you get acquainted with a family of colored people by the name of Duffin? A I did.
Q Do you know what year you got acquainted with them? A I think it was in the fall of 1866; either in the fall of 1866 or the spring of 1867, I think it was in 1866.
Q Where you were living at that time? A On Mr. Campbell's farm.
Q How many were there in family, if you know? A Must have been four or five, I don't know exactly.
Q Did you know the old gentleman's name? A I did.
Q What was it? A Nathan.
Q Did he have a wife at that time? A I think he did.
Q Did he have any children? A Yes, sir.
Q Did you know of the children's names? A No, sir, I couldn't say that I do.
Q Do you remember the sex of the children, whether boys or girls?
A Part of them girls and part boys.
Q How long to your own knowledge did he continue to live on Mr. Campbell's place? A Two years.
Q What circumstances, if anything, cause you to remember that he remained there two years? A One of the was, I remember I very often used to go there and work there with the boys or folks on the same

Mr. Blue: Objected to as not responsive.
Commission: Objection noted.

place, and another, Nathan Duffin run a big protracted meeting right close to us, and I used to attend that in 1867.
Q Do you know what year they moved off of Mr. Campbell's place?
A No, sir.
Do you know whether or not they were there during the crop year of 1867? A Yes, sir, they were.

By Mr. Blue:
Q Where do you reside now? A In Garnett, Kansas.
Q How long have you lived there? A Ever since 1868.
Q What is your business? A Laborer; I am in the ice business; have been for a year or two.
Q You mean you are the operator in the ice plant? A No, sir, we put up our own ice.
Q You are simply a laborer? A Yes, sir.
Q Were you a laborer when you knew these people on the farm?
A I was.
Q Were you married then? A No, sir.
Q Are you now? A Yes, sir.
Q How old were you when you knew these people? A 13 or 14.
Q Where did your parents live then? A About three miles from there.
Q Was your father living there? A Yes, sir, but they were not living together. My mother lived on her stepmother's farm.
Q Are you any relation to John Foster? A No, sir.
Q Were you born in Anderson County? A No, sir.
Q Where were you born? A In Missouri.
Q What part? A In McDonald County.
Q How long did you remain in Missouri before you moved to Kansas?
A About nine years.
Q Then you were nine years old when you came to Kansas? A Yes, sir.
Q Where did you come to in Kansas? A Leavenworth.
Q How long did you remain there? A About three years.
Q Then where did you go? A To Garnett, Kansas.

Q You mean you moved to the Station of Garnett? A No, sir.
Q How near to the Station? A About 2 1/2 or 3 miles.
Q Were you employed by Mr. Campbell to work for him? A I was born with him them.
Q Bound by? A Yes, sir.
Q Did you stay there all the time then? A I was there; that was my home all the time.
Q Were you there nearly all the time? A Part of the time, maybe two or three months in the year, I was hired and would be about eight miles from there.
Q For Campbell? A Yes, sir.
Q That in Anderson County? A Yes, sir.
Q You say you were about 13 or 14 years old then? A I said I was in '67 or '8.
Q Which is it? A In 1867 I was 13 years old.
Q You were nine years old when you left McDonald County? A About that.
Q Was the war going on then? A Yes, sir.
Q And you went to Leavenworth and lived there three years? A Between two and three years.
Q Then you came from Leavenworth down to the vicinity of Garnett? A Yes, sir.
Q When were you born? A August 6, 1854.
Q And this was in 1866 you say that you saw them there? A I said in 1867.
Q The first time you saw them was in 1867? A As near as I can remember, yes, sir.
Q You didn't see them there in 1866? A I would not be positive that I did.
Q You saw them in 1867, at what time of the year? A During the whole year, from the spring to the fall.
Q Were they there in 1868? A Yes, sir.
Q Were they there in 1869? A I would not be positive; I don't know.
Q Were they there in 1870? A I don't know; I wasn't there, myself. I went to Chatauqua County.
Q When? A In 1870.
Q From what place? A Centralia City, about 10 miles from my home.
Q In Anderson County? A Yes, sir.
Q When did you leave Centralia Station for Chatauqua County? A In the spring of 1870.
Q What did you do in Chatauqua County.

Mr. Davenport: Objected to as immaterial, incompetent, and irrelevant.

Commission: Objection noted.

A I farmed.
Q For yourself or someone else? A Mr. Campbell.
Q The same Mr. Campbell you said you were bound to in Anderson County? A Yes, sir.
Q Were you still bound in Chatauqua County? A Yes, sir.
Q You say you knew Nathan Duffin? A Yes, sir.
Q Did you know his wife? A I knew her, I expect, but I don't know her name.
Q Were you ever in his cabin? A Yes, sir, I have eaten meals there.
Q Where was his cabin? A Right south of where we lived on the farm.
Q On Mr. Campbell's farm? A Yes, sir.

Q When did the Duffins move to the Campbell's farm? A I am not positive whether it was in 1866 or 1867.
Were you there? A I was.
Did you see them move in on the place? A I can't answer.
Do you know? A I don't.
You are not able to say that you saw them move there? A No, sir, I couldn't say that I saw them move there.
What family did Nathan Duffin have at that time? A It was four or five in the family.
Who were they? A I couldn't tell the names.
Do you remember the names of any of them? A No, sir.
Q Do you remember whether they were all boys or all girls?
A Part boys and part girls.
Q How many girls? A I think two.
You don't know? A No, sir.
How many boys? A Two boys.
Are you positive about that? A Yes, sir.
Do you remember their names? A No, sir.
What was the business of Nathan Duffin? A Nathan, himself, farmed.
Didhe have any other business? A He preached.
Q You say he held a meeting there? A Yes, sir, in our school house.
Campbell school house? A Yes, sir, some called it the Simon school house.
How long did that meeting last? A I think about a month.
You say you attended it? A Yes, sir very regularly.
All the time? A No, sir.
Did Nathan Duffin preach there during that time? A He was the leader.
Any other preachers? A Yes, sir.
Do you remember any of them? A Yes, sir.
What were their names? A A white man by the name of Tolbridge.
Do you know where he is now? A I think in the penitentiary.
What makes you think he is in the penitentiary? A I heard he was and all the neighbors heard it.
Was there any other preachers there? A Not that I remember of.
You say you ate meals down there at Duffins, was any other family living in any part of the house? A Yes, sir.
Who were they? A Mayfields.
White or colored? A Colored.
What kind of a house was it? A Double log house.
How many rooms? A Two rooms.
How much of a family did Mayfield have? A I don't remember.
Did they all live together? A Yes, sir, in separate rooms, two rooms to the house.
How are you able to distinguish between the families then? A I could tell them apart.
Did Mayfield have any family? A Yes, sir.
Q How much of a family? A I don't remember how many.
Did he have any boys? A I couldn't say.
Did he have any girls? A I couldn't say; he had girls or boys, one or the other.
Do you remember what Mayfield's first name was?

Mr. Davenport: Objected to as incompetent and immaterial; We are not trying the Mayfield case.
Commission: Objection noted. Witness will answer.

A I don't know.

Q What was his wife's name? A I couldn't say which one of them was named Wicey, but one of them was.

J. M. Johnson, being first duly sworn, testified as follows

By the Commission:

Q What is your name? A J. M. Johnson.

Q How old are you? A 53 years old.
Q What is your postoffice address? A Garnett, Anderson, County, Kansas.
Q Do you know the applicants in this case, George R. Duffin and his brothers and sisters.? A Yes, sir, I know the boys.
Q Have you testified in this case before? A I did in the Nathan Duffin case.

By Mr. Davenport:
Q When did you get acquainted with them? A They came to our county in 1863 or the early part of 1864.
Q When did they leave that County? A Sometime the latter part of 1869 or the early part of 1870, I think 1870.

By Mr. Blue:
Q How old are you? A 53 years old.
Q Are you Alex's oldest boy? A Yes, sir.
Q What is your business? A Abstract business.
Q You used to be a travelling man? A No, sir.
Q At no time? A No, sir.
Q When you say these people came there how old were you? A I was 12 or 13 years old.
Q Did you ever visit the place where they lived? A Yes, sir.
Q Where did they live? A First at what was known as the Bales place one mile from Garnett.
Q When was that? A In 1863 or '4.
Q Which one? A I don't know which, the latter part of 1863 or the early part of 1864.
Q Where did they next live? On George Campbell's place, three miles southeast of Garnett.
Q How long did they live there? A Until Mr. Campbell sold the place in 1869, to Judge Spriggs.
Q Then where did they go? A I don't know.
Q What time in the year 1869 was the place sold? A Sometime in the fall.
Q What was Nathan Duffin's business? A Preacher and farmer.
Q Did he travel around and preach in different localities? A Principally in that part of the country.
Q Was he off sometimes? A Yes, sir, sometimes.
Q How many members of his family? A I don't know any except George and Frank and the old gentlemen and his wife;
Q That is all you know? A Yes, sir.
Q Were you ever at his place more than once? A Probably 20 or 30 times.
Q On which place? A Both.
Q Bales? A Yes, sir, and Campbell's.
Q How did you happen to go out in the country where they lived?
Q They lived one a farm that joined my uncle's place, Gibson's.
Q Did they ever to your knowledge live on the Gibson place? A No, sir.

Q That's the way you saw them? A Yes, sir.
Q You didn't make a habit of visiting them? A No, sir, except down on the creek we boys would play together.
Q You were a boy yourself? A Yes, sir.
Q Something like of a boy yet, aren't you? A Yes, sir, like yourself.
Q Now as I understand you, are not positive as to dates, you knew them in a general way? A There are two I remember; one when they came and the other when they left Campbell's place.
Q What refreshes your recollection as to the time they came there?
Q At the time they all came there.
Q When was that? A Some in 1863 and some in 1864.
Q Some in 1862? A Not that I know of.
Q You mean the colored people from the Cherokee Nation? A Yes, sir.
Q These people never had any farm or abiding places of their own up there? A Not that I know of.
Q What they did do was to crop, as you said? A Yes, sir.
Q They didn't have any home of their own? A No, sir, they rented.
Q During the winter season especially didn't the old man travel around and hold revival meetings? A I don't know.
Q You don't pretend to say that you knew where they were all the time?
A Not at all times of the year.
Q You don't make any pretention of that? A No, sir.

(Continued by agreement until July 28, 1904.)

July 28, 1904, Applicants appear in person and by attorney, R.W. Blue, and the Cherokee Nation by its attorney, James R. Davenport, and the following testimony introduced on behalf of the applicants:

MARIAH FRENCH, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Mariah French.
Q How old are you? A In my 49th year.
Q What is your postoffice address? A Lenapah.
Q Are you a Cherokee freedman? A No, sir.
Q State woman? A Yes, sir, only adopted.
Q Do you know the applicants in this case, George B. Duffin, et al?
A Yes, sir.
Q How long have you known them? A About 38 years.

By Mr. Blue:
Q Did you know Nathan Duffin in his lifetime? A Yes, sir.
Q When and where did you first see him? A First on Snow Creek.
Q In what Nation and Territory? A Cherokee Nation.
Q In what Territory? A In the Cherokee Nation, this country.
Q Indian Territory? A Yes, sir, not in the Creek Nation.
Q What is your father's name? A Stephen Little.
Q Has he been married more than once? A Yes, sir.
Q Are you a daughter of his? A Yes, sir, I was always teached that.
Q Are you a daughter of his by his present wife? A No, sir, my mother I don't know.
Q When did you first come to the Cherokee Nation? A We came here in 1866.
Q Who came with you? A My father and my stepmother, and three other children, one brother and three other men, eight persons in all of us.

Q From what place did you come to the Cherokee Nation? A We came from Leavenworth County, here, Kansas.
Q When did you arrive at Snow Creek in the Cherokee Nation? A On the 15th day of April.
Q Of what year? A 1866.
Q Where has your father kept his home from that time until now? A He has been there all but one year ever since we come here; one year he stayed in Newton County, Missouri.
Q When was that? A In 1874 .
Q Did he have a home here while he was in Newton County, Missouri, in 1874? A No, sir, they had sold our home; the Cherokee Nation sold our home.
Q When did he return? A That same year in January, the first of the last of December.
Q Do you know whether or not your mother is on the freedmen roll, your stepmother? A No, sir, I don't.
Q Your father has been here only that short time he was away in 1874? A Yes, sir, ever since.
Q How did you happen to see Mr. Nathan Duffin at the time you say you did, did he come to your place where you were? A He came to our tent, we had no house then.
Q Did he come alone or with some one? A There was quite a bunch of men with him, seven or eight.
Q Do you know what was the occasion of their being there? A They were hunting horses they said were stolen.
Q Did you see him more than once at your father's place where he was stopping about that time? A Yes, sir.
Q How often did you see him about your father's place about that time? Q I seen him once on Sunday, when he first come, and he went off and come back on a Tuesday.
Q Do you know what was the occasion of his coming back the second time? A He had stayed all night at a white man's house up the creek and the man wanted pay for his board, and he come back down there to get it.
Q Do you know whether or not he got it? A No, sir, I don't know.
Q Do you know either of the men that came with him at either of these times? A Yes, sir, but they are most all dead.
Q Who were they? A One was George Eaton, Lewis Beck, Sam Mosely, Santa Ann Nivens and Mose Smith thats dead, and old man Duffin himself.
Q What was the business of Mr. Nathan Uffin, if you know, in his lifetime, what occupation or profession did he have? A He was a preacher.
Q After you saw him there in 1866, as you stated, did you see him afterwards in the Cherokee Nation? A He preached for us all the time.
Q Did you have a church or place of worship there about? A We didn't have no churches; in the summer time we would have a large shed and brush on it; in the winter time he preached at peoples houses.
Q What, if anything, did he do in regard to establishing a home there in 1866 or '7? A After he got over there and got acquainted., I used to go to his house.
Q Were you at his house or cabin in 1866 or '7? A No, sir, not in 1866.
Q When were you first at his house? A After we had settled there, about '66, we had a school at our house, and the teacher would stay with us and they would come to school there, his children.
Q When did you first get acquainted with his children? A When they come to school.
Q That was in 1868? A Yes sir.

Q What were the names of the children? A The oldest one was George Butler, and Joshua and Eliza and Sarah and Henry.
Q At the time Mr. Nathan Duffin came to your house in 1866, what, if anything, did you hear him say about establishing a home in the Cherokee Nation?

Mr. Davenport: Objected to as incompetent, irrelevant and immaterial, and pertaining to be a declaration in the interest of the applicant.
Commission: Objection noted.

A I never heard him say anything, he was living there.
Q Was he living in the Cherokee Nation in 1866 when youfirst saw him? A I guess he was; he come from over there.
Q What time was it when you first saw Mr. Nathan Duffin there in the Cherokee Nation? A We were in the tent and corn was waist high.
Q Do you remember what month it was in? A No, sir, I don't.
Q Was your father at home at that place where you had located, when Nathan Duffin came in 1866 ? A Yes, sir, he was there.
Q About what time in the day was it when the men that were in the party first came to your place? A It was away up in the day on Sunday and they wanted dinner.
Q Did they eat dinner there? A I helped cook dinner for them.
Q You are positive that that was in 1866? A Yes, sir, I am.

By Mr. Davenport:
Q How old are you? A I am 49, in my 50th year.
Q Where did you come from when you came to the Cherokee Nation?
A From Leavenworth County, Kansas.
Q You hadn't known the Duffin family before you claim the old man came to your place there on that Sunday? A No, sir.
Q How old were you then I was in my 14th year.
Q You are sure you were in your 14th year? A That is what they told ~~mak~~ me.
Q I am asking what you know? A I couldn't tell me age; it was set down.
Q Was that the way it was set down, that you didn't see him until you were 14?A I never came here, myself, until I was 14.
Q You never came to the Cherokee Nation until you were in your 14th year? A No, sir.
Q And you are in your 50th year now? A Yes, sir.
Q You are an applicant to citizenship? A Only an adopted citizen.
Q How much land did you have in cultivation when Duffin and these men came? A We had little small patches.
Q About how much? A I don't know, may have been four acres or ten acres, small patches.
Q Who did you live near at that time? A We didn't live near anyone; no one there to live by.
Q Who were the nearest people to the place you lived at the time Duffin came to your house, as you claim? A About seven or eight miles to Osage towns.
Q Were any of your family at that time claiming that they were freedmen of the Cherokee Nation? A My stepmother claimed to be a Cherokee freedman. That's what brought her here.
Q She had heard of the treaty and came back to the Cherokee Nation?
A Yes, sir.
Q The treaty had been made and she heard that the freedmen by the treaty had got rights in the Cherokee Nation? A That is what she came home for.

Q Who else came with youat that time that were freedmen entitled to rights in the Cherokee Nation and came back to get the benefits of of the treaty? A Wasn't any, a man belonged to the Cherokee Territory came, right in this town now.
Q You had been there, you say, and had a crop waist high or better before Duffin came.? AYes, sir, about waist high.
Q How long after he came was it, you say, until his family came? A I never seen uncle Duffin's family at all until he brought the children over to school.
Q When was that with reference to the time you saw him? A In 1868.
Q How big was George Duffin at that time? A Good big boy, a young man.
Q The other children were good big children, too, were they? Liza was small, had a short dress, and Sarah had a short dress.
Q Did the school teacher board at your house? A Yes, sir.
Q Who was he? A Lewhe.
Q Where is he now, do you know? A No, sir.
Q Is he living? A I don't know.
Q Is there one living now, that was living when you saw Nathan Duffin first on Snow Creek, when you were living there, as you claim? AQ There was no ones there.
Q When he came down there, you say he came to see your father about getting some money to pay some fellow for staying all night? A No, sir, I didn't say that.
Q When was it he came for that purpose? A He came back in a day or two afterwards.
Q A white man he stayed with?A Up on Pumpkin Creek he said.
Q Do you know who the white man was? A No, sir.
Q How far was Pumpkin creek from Snow Creek? A I guess about 15 miles, or more.
Q Do you know anything about it?A No, sir, I don't.
Q They were hunting stolen horses the first time? A That is what they said.
Q Who was with Duffin?A George Eaton, Lewis Beck, George Meigs, Sam Mosely, Santa Ann Nivens and Mose Smith is what they gave us their names.
Q You were a girl at that time 14 years old? A Yes, sir.
Q And you only saw this man there, yourself, one time? A Yes, sir.
Q And remember to-day the names of all of them in that crowd? A Yes, sir, because afterwards we were close neighbors and got acquainted and saw them all the time.
Q Can you remember another incident where you metthe same number of people in 1866, where you can tell all the names of the parties that was saw? A Yes, sir, if necessary I guess I could tell it.
Q Name one? A They wasn't there to meet, and it was ararity to meet anyone there.
Q In a year or two after that quite a number came, didn't they? A They came before a year or two.
Q How many got in there and were living there when yousaw Duffin's family in 1868? A They come pretty fast; there was Posey Gibson, Isaac Fox, Jake Ross, Joe Ross, Stick Ross and Ed Ross, all come in one bunch at one time.

By Mr. Blue:
Do you know anything about your age, at that time, except what had been told you by your parents? A No, sir.
Q You don't undertake to swear positively that you were 14 years old then? A Nothing only what they told me.
Q You might have been less, or maybe more? A Yes, sir.

Mr. Davenport: Objected to as incompetent and suggesting the answer to the witness; she stated positively her age and said it was recorded.

Commission: Objection noted.

Q Are you positive as to your age? A No, sir nothing more than my father told me.
Q When you state that you think you are in your 50th year now, you think it from your own knowledge of what your father told you? A I said it from what he told me; I have got it set down just as he told me.
Q Are you positive that you saw this man where your father was stopping in 1866, as you have stated: A I ~~am~~ am sure I saw them.
Q Are you positive as to the time you saw them? A Yes, sir, I am positive as to the time I saw them.

By Mr. Davenport:
Q What portion of Snow Creek was this you located on? A It would be hard for me to tell you, unless I had a map.
Q Who were your first neighbors that come in there? A Amos Adair and Woodson Lowe and olduncle Ben Alberty.
Q And you are positive you were in your 14th year at the time you moved down to the Cherokee Nation? A I don't know ; that is what my father told me.
Q He gave you the date you were born? A He said it.
Q Did he tell you what year you were born in? A No, sir, he didn't
Q You were big enough~~h~~ to remember when you moved to the Cherokee Nation? A We had just come there.
Q You can remember the coming? A Yes, sir.

STEPHEN LITTLE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Stephen Little.
Q How old are you? A 80 years old.
Q What is your postoffice address? A Lenapah.
Q Are you a Cherokee freedman? A I am not.
Q Are you the father of this woman who has just left the stand, Mariah French? A Yes, sir.

By Mr. Blue:
Q When did you first come to the Cherokee Nation? A In '66.
Q To what place in the Cherokee Nation did you come? A Snow Creek.
Q You went to where you reside now? A It is about six miles.
Q How long have you resided, altogether in that neighborhood? A All the time ever since I come here; I aint been out of here not ~~ex~~ over six months at a time.
Q You mean out of the Cherokee Nation? A Yes, sir.
Q How did you happen to come in the first instance in 1866? A I had two instances that directed me here. Irving and Jackman, traders on the Santa Fe, they got me to come down here to take some cattle 160 head of steers, at salt lick down here to winter them, and hired me to come down here and herd them the next spring, and Irving married my old mistress' daughter, and he owned me and got me to come down and take care of the cattle, and give me $30 a month, and said being my wife had a right here, I could do better and grow up with the country.

Q In what business was this firm of Irving and Jackman? A They were traders to Sante Fe.
Q What do you mean by that? A They xxx carried trains across every year, 100, 200 or 300 ever year, wagon trains.
Q How were these wagons pulled? A By oxen.
Were these cattle that you brought down oxen they had used?
A Yes, sir, and brought them here to winter until the nnxx spring when they got fat and put them on the market.
Q Then spring came did they take the cattle away? A When I got down here on Pumpkin Creek, I met a young man, what I know well, with the cattle, and Jackman was out on Salt Lick, Jackman had sold the cattle at Salt Lick and Irving didn't know it and got me here to take care of them, and I met the cattle going north when I come, and I come down on Snow Creek and took a place.
Q Did you bring the cattlewith you to Snow Creek? A No, sir, they were in there when I seen them; Jackman had sold them to another party.
Q When you come to Snow Creek what did you do in the way of making a home? A The first thing I done I put me up a camp, put a stop on it and split logs andput up a side and covered it and put in about four acres of corn that spring.
Q On what day of what month did you reach this place where you established a camp? A In April.
Q Of what year? A '66.
Do you remember what day of April 1866? A I don't; it is too long off.
Q How long did you continue at that place where you established the camp? A Seven years.
Q During the time that you were at that place on Snow Creek in the Cherokee Nation did Nathan Duffin come to your camp: If so, state all the circumstances connected therewith? A Nathan Duffin didn't come there then; there was seven men come there on the hunt of some stolen horses off of Big Creek; they said, I didn't know there was a colored man in 40 miles of me, for I seen nothing but the Indian Ponies, and the first thing I knowed on Sunday morning seven men rode right up there and said some horses had been stole off of Big Creek, and they went on up by Blackhawk Town and, and they went on up in there and was gone until Tuesday they went on up some creeks, higher up the creek about the forks of Snow Creek and went on up to Big Hollow and near to where Chouteau vale is-------

By the Commission:
Q Were you with these men on this trip? A I wasn't with them, but they told me.
Q Then you don't know it of your own knowledge? A No, sir, only when they come back they had one horse and-----

Just state what you know about it? Well the next time I seen them Nathan Duffin came to my house and a man, John Luckboy, told him about me when he come to my house he wanted to get $10, for he stopped at a white man's house up there, and he though he could stop and get up and go on, and the white man told him "No." And he come to me and I got him $10 and I took his word of honor about paying it back.

By Mr. Rime:
Q When was that? A In '66.
Q What time in '66? A Something along, I know it was in June; the leaves were on the trees heavy.

Q Did you make any memorandum of any kind of the fact that you loaned him $10? A I didn't have to; I never would forget it; never will forget it till I die.
Q You know you loaned him $10. on that day? A Yes, sir, and he brought it back.
Q Who brought it back? A Lewis Beck.
Q When? A About three weeks, as well as I can recollect.
Q At that time, in June, 1866, did you have a crop there at that camp? A Yes, sir, had a crop there then.
Q When did you next see Nathan Duffin after you loaned him the money? A I never had any acquaintance with him and never seen him any more until at the old Duffin place two or three years after that; I didn't know where he lived then or nothing about him.
Q In your conversation on that Tuesday when you loaned him the money, did he say anything to you about his having a home in the Cherokee Nation? A He said he was going to be a neighbor, and said I should have the money again if God spared his life, and in about three weeks he sent the money by Beck.
Q ~~Was sick? Was~~ You say you didn't see him any more until a year or two? A No, sir, the next time I seen him he had a house up and was breaking out.
Q When was that? A Two or three years after.
Q Was that house that you speak of on his old place? A Yes, sir.
Q What business did Nathan Duffin follow? A Preached and farmed.
Q In regard to his habits, whether he stayed at once place in the pursuit of his occupation, did he preach at one location or change about? A He preached here and on Big Creek and I don't know where else.
Q Do you know anything about his preaching in the States anywhere? A I didn't; I never had seen him until I loaned him that money, but I heard of him.
Q Do you know whether or not he was a slave before the war? A I heard him say-----

Mr. Davenport: We object to what he heard.
Commission: Objection noted.

Q State what you know? A I don't know whether he was or not.
Q Did you ever hear him preach? A Yes, sir.
Q Did you belong to his church? A No, sir, I don't belong to any Protestant church.
Q Did he have a church down there in the neighborhood where he resided? A Yes, sir.
Q Did you become acquainted with his family afterwards? A The boys and girls all went to school in my house.
Q Do you know them now, the boys and girls, when you see them? A I know them as well as I know my own.
Q Can you remember the names of those children? A Yes, sir.
Q What were their names? A Joshua, Butler, Sarah and Eliza.
Q Did Butler have any other name? A I never heard any.
Q Never heard him called George? A George Butler.
Q You call him Butler? A Yes, sir.
Q When was the that the children went to school at your house? A It was about, as well as I can recollect, about '72 or '4, somehwere along there, I aint sure, about '73.
Q Who was the teacher? A A man by the name of Lowhe.
Q Do you know where he is? A I don't know; I have heard them say he is out in Colorado.

Q You don't know? A No, sir, he is as old as I am; he may be dead.
Q Do you know Judge Keys? A Ask him.
Q When did you first get acquainted with him? A That was about, I expect, pretty near thirty years.
Now when for you came xx into the Cherokee Nation xx first become acquainted with Judge Keys? A Well, I think it was second election, xxxxxxxxxxxxxxxxx I didn't get acquainted with him the first election.
When was that you got acquainted with him? A I think it was something about '67.
Have you known the Judge ever since then? A Yes, sir, ever since then, I have known him.
Do you remember the names of any of those men that first came to your house in carrying about the horses in 1866? A I know two.
Who were they? A Santa Ann Vivens and Wile Towers.
In regard to the school at your house, are you positive that the time when that school was going on at your house, that it not have been earlier than that? A I had built two more new houses; I had been there two or three years, anyway.
Q You mean you had been at your house two or three years? A Yes, sir, I had built two rooms and live on for the school.
Q Then if you were there in 1866, it was 1865 or '4, that the school was there? A It might have been, I couldn't know that exactly in my mind.
Were there any other children attending that school except yours and the Puffin children? A There were lots of them, they had 40.
Q All children children? A Yes, sir.
Q How soon after you came there in 1866 did you have any neighbors there? A I had one or two there at the time, Sam Fleming came that fall; Moses Adair came that fall, and Wilson Lowe.
Q What was the fact about other people coming? Lots of them came soon after that; I don't recollect; they kept coming.
Q When the school was going on does anyone live in the building? A Yes, sir.
Q You don't know exactly as to the time, about it was 1865 or not? A No, sir, I don't know exactly the time.

By Mr. Owen Scott:
Q Where were you, uncle, during the war? A During the war I was in the Cherokee Nation part of the time.
Q Were you anywhere else? A Yes, sir.
Q Where? A I was in Vernon county at the first at Prairie Grove.
Q Where were you when the war closed? A I was in Leavenworth when the war closed, I was shot off the same the news of the President's death.
Where had you lived prior to the war? A In the State of Missouri.
Q You met your wife xx at Leavenworth during the war? A Yes, sir, I met her right in this Cherokee Nation on Neosho.
Q Where was that? A Seven miles this side of Fort Scott, in the Cherokee Nation.
Q How far this side of Fort Scott? A Seven miles.
Q In the Cherokee Nation? A Yes, sir.
Q When was that that you married her? A In '62; '61 came up down here in the Cherokee Nation some times, and I told her I would not marry a woman a slave, and when I got to the Kansas line I married her.

Q You married her within seven miles of Fort Scott, Kansas, then, on the Cherokee Nation side? A Yes, sir, on Drywood.
Q You remained there until after the war? A She remained there until after the war, yes, sir.
Q Then you met Irving and Jackman and they wanted you to come here and herd some cattle for them? A Yes, sir.
Q And they told you your wife had a right? A Yes, sir, she ~~xx~~ always said she had a right here; I don't know.
Q Did Irving and Jackman tell you your wife had an interest in the Cherokee property and funds and did they tell you she ought to come back? A Yes, sir.
Q Then it was after the treaty ~~xxxxxx~~ was made that you had the talk with Irving? A Yes, sir.
Q You came to the Cherokee Nation the first crop season after the treaty was made? A I come in '66.
A Before or after the treaty? A It ~~xxx~~ is after the treaty.
Q You came in April after the treaty was made? A Yes, sir.
Q And settled on Snow Creek? A Yes, sir.
Q And have been living in that community ever since? A Yes, sir.
Q When you came to the Cherokee Nation, you had a crop planted and it was nearly waist high before you had heard of Nathan Duffin, hadn't you? A Before I seen him, but I had heard of him.
Q He didn't come to your house until the crop was waist high or more did he? A He come there in June.
Q The same year you came in April? A Yes, sir.
Q Who came with you when you came to the Cherokee Nation, if anyone? A My son; there is a man here in town that come with him, Philip Chesser, and my brother, four of us come.
Q Did you bring your family at that time? A Yes, sir.
Q How did you travel? A I travelled in wagons, and come with Dock Bushyhead, and Dock Bushyhead's boys come together.
Q Was Snow Creek the first place that you settled when you came? A Never come in there.
Q What point on Snow Creek did you come to? A Right in the forks of the Creeks, Verdigris and Snow Creek.
Q Near whose place now? A The nearest place to it now is Wilson Murrell's joins it.
Q What Cherokee or white man lives near you? A None.
Q How uncle, near whose place now? A I don't know; I aint been there in a good while.
Q You don't live there now? A No, sir, I live five or six miles below there.
A You don't know who owns the place you first settled? A No, sir.
Q Does Nelson Murrell's family still live on the place he settled? A Yes, sir; he is dead.
Q It was several years after you came before you had this school that you speak of? A Yes, sir, two or three years, I had built a double log house and let them have one room.
Q Who was the first Delaware you saw? A I saw lots of them; couldn't remember the first.
Q Do you remember the names of any of them? A Old man Buckler, and John Jackson, Mrs. Goodtraveller, and Mrs. Smith.
Q Do you know any of them that are alive now? A No, sir, they aint any of them living now hardly.
Q How far is Snow Creek from where it empties into the Verdigris river from Coffeyville? A Something like five miles below.
Q You don't know where the Duffin family came from to the Cherokee Nation ~~xxx~~ A No, sir.

Q You had heard of the old gentleman as being a preacher? A Yes, sir

(Continued until 1 o'clock P.M.)
(One o'clock P.M., same appearances as this forenoon); Stephen Little on the stand.

By Mr. Davenport:

Q Who did you say came to your house the time you first saw Nathan Duffin? A I don't know as I recollect seeing anybody come.
Q Who came with him, if anyone, when you first saw him? A Lewis Beck, I think.
Q Anyone else? A No, sir.
Q Who was it that came to your house before, or came that was hunting those horses they claimed were stolen? A Santa Ann Evens and Wils Towers.
Q Then you had seen Wilson Towers in the Cherokee Nation before you saw Nathan Duffin? A I had seen him time of the war was going on.
Q I said in the Cherokee Nation? A Yes, sir.

By Mr. Blue:

Q What day of the week was it that these men came to your house inquiring about the stolen horses? A On Sunday.
Q Then Nathan Duffin came the Tuesday following that? A Yes, sir.
Q And that was the first time that you ever saw Nathan Duffin to know him? A Yes, sir, the first time I ever saw him I loaned him $10 to pay his expenses from Pumpkin Creek to pay a night's lodging.
Q You mean by that that you saw him on Pumpkin Creek, or to pay for the lodging on Pumpkin Creek? A He came to my house on Snow Creek.
Q To get money to pay for the lodging on Pumpkin Creek? A Yes, sir
Q You say you were married to your present wife up at Drywood? A Yes, sir, way up there near to Fort Scott.
Q You spoke of that's being in the Cherokee Nation up there where you were married? A They called it the Cherokee Nation; I don't know.
Q Who called it the Cherokee Nation? A Them that belonged to the command said it was the line.
Q Do you know enough about that to know where the Kansas line is? A No, sir, I don't know anything about that.
Q You don't then absolutely know whether it was in Kansas or in the Cherokee Nation, where you were married? A I don't know, but they all said Drywood was in the Cherokee Nation.
Q Who do you mean by all? A Everybody, the whole command said it was the Cherokee Nation.
Q What command were you with? A Col. Cloud's.
Q Did you talk with these men who had the cattle, yourself? A I talked with them myself and made the bargain myself.
Q Where were you at the time you made the bargain? A I was in Platt County, Missouri.

Q Was that before the close of the war or after? A After the close of the war?
Q How long after the close of the war? A It was the next spring? I kept the cattle for them that winter and the next spring he got me to come down there.
Q Do you know in what year the war closed? A I think I do.
Q What year? A In '65.
Q Then it was in the Spring of 1866, that he got you to come down here? A Yes, sir.

Q Did you talk with both of these partners or one? A I only talked with Irving, Jackman was in Salt Lick.
Q Did you get those cattle in your possession to bring them out here
A Never got them in my possession; I come here to do so, but met
them coming north; Jackman had sold them.
Q Did this man have the cattle driving them out? A Had them
on the road, going up to whiskey trail, going up to Leavenworth.
Q Now, you are positive that it was the spring after the close of
the war that you located at Snow Creek, as you stated? A Yes sir,
I came right down and met the cattle. I stopped at the trading post
and inquired how far it was to the Cherokee Nation and they told me,
I came down on Snow Creek and stopped Saturday night and Sunday I
went over and took this place, the first place that was ever made on
Snow Creek.
Q Do you know the treaty was made between the Cherokee Nation
and the United States in regard to the sharing of property with
the Cherokees by the freedmen? A I don't know positive; Irvin told
me that I could come here and take care of his cattle; and then I
could have some money, and said my wife had Cherokee blood and
said how I could grow up with the country and become to be a man,
and said they had so much edge over me, I couldn't do much there, and
said I could grow up with the country down here and be worth
something.
Q Is your wife a Cherokee by blood? A Her father is a halfblood
Cherokee. Q What of---- I forget the family----Thom son.
Q Is your wife on any of the rolls of the Cherokee Nation? A Oh
no, she is not; I went to Tahlequah when the first beginning of the
Chambers court, and they told her she was a doubtful.
Q Your wife never has been enrolled on any roll? A No, sir.

By Mr. Davenport:
Q Your mind is considerably clearer now than this morning isn't it?
A I don't know.
Q You didn't know the year of many things this morning did you?
A I don't know.
Q Haven't you talked during the noon hour with the witnesses in
this case and all of you gone over the case together? A No?
Q Yes, you? A I didn't talk with anybody in this case.
Q Haven't you talked with George B. Duffin and Harlich French during
the noon hour about this case? A No, sir.
Q Have you talked with anyone about since the war closed, during the
noon hour? A No, sir, I told you to-day I was there.
Q Did you tell anybody in your examination this morning what year
the war closed? A I didn't know it was asked me.
Q Did you tell anybody this morning how long you stayed in Missouri
before you started to the Cherokee Nation? A No, sir.
Q Don't you know that you have talked with somebody since we
adjourned at noon about how long you stayed there before you started
to the Cherokee Nation? A I know I haven't.
Q You talked with Jackman and he told you to come back down here
that your wife had rights here? A No, sir, not Jackman.
Q Tell Irving then? A I said this morning that I'vin told me to
come down here.
Q And you came upon his suggestion? A Yes, sir.
Q And you came after the treaty was made, didn't you? A I don't
know exactly whether it was after the treaty or not, but he told
me my wife would have rights in this country.
Q Didn't you answer me this morning in response to the question
I asked you about coming before or after the treaty and you didn't
you say you came after the treaty? A I don't know.
Q Have you good memory? A Yes, sir.
Q Do you know whether or not you answered that question that way?
A I don't know.

Q You say that the first time you ever saw Nathan Duffin you loaned him $10. to pay for a night's lodging? A I did.
Q You don't know where he was living at the time? A I know where he said he was going to live.
Q You didn't know when he left whether your would ever see him again ? A I didn't, but I told him if he was a man as he said, I would get the money, and he said I would get it.
Q You had your home built at that time? A No, sir, but I had a right smart home.
Q Where was your trading point at that time? A Lushboy is where we traded, then right on the line near the Cherokees, but the Osages.

WASHINGTON BLACKBURN, being first duly sworn, testified as follows:

By Mr. Blue:
Q What is your name? A Washington Blackburn.
Q How old are you? A I am about 67 years old, or 68.
Q Where do you reside? A Anderson County, Kansas.
Q How long have you resided in Anderson County, Kansas? A I have resided there ever since in '70.
Q Did you know Nathan Duffin in his lifetime? A Yes, sir.
Q Where did you first meet him, if you remember? A I first met him in Anderson County, Kansas.
Q Did you reside there at that time? A No, sir, I just came up there to meet the church.
Q Were you acquainted with him in 1866? A Yes, sir.
Q What was his business or occupation generally then? A Preacher.
Q Where was he preaching at that time, if you remember? A Down there in Lynn County, around Mound City, I stayed all night with him many a night, he preached at Rock Point, we call it, west of Mound City.
Q Did you ever talk with him at any time about having a home in the Cherokee Nation? A Yes, sir, we have both talked together about that.
Q What, if anything, did he say to you about having a home in the Cherokee Nation?

Mr. Davenport: The representatives of the Cherokee Nation object to the question on the ground that it is incompetent, irrelevant and immaterial and an attempt made upon the part of the applicants to prove a declaration of a party through whom they claim their rights to citizenship, which would be a declaration in their own interest.

Commission: Objection noted; witness will answer.

A He was talking about it and said he was going back south where he come from and seek a home, and I told him I was, too, and we talked about it, and said we would go now right away, and I said I wasn't ready to go, and he said he was going soon, and I said I was going too after a while, and after that he went home, and I went up to his house and he was gone, they said he had gone on down south to seek a home.
Q In what year was that? A In '66, in the same year in the fall or spring, this was in March when he was there preaching

Q About when was it he told you he was going south to seek a home
A Along early in the Spring of '66, along in March in the Spring.
Q When were you over to his place after that? A I was over there, I don't know what month whether it was August of July; wasn't anybody home but the two boys, and they said the father had gone south.
Q What were the boys' names? A One was named, I can't call his name now.
Have you seen any of the boys since you come here to-day?
A I seen one that I took to be him by his forehead
Q Can't you think of his name? A Nathan, I think ; I aint sure; I have very poor recollection about calling names.
Q Is his name George? A (No response).
Do you remember the names of the children? A One was named George and if this is the one, I don't know.
Q Do you remember the names of any of the rest of them? A No, sir,
Q After he told you he was going south to seek a home in 1866, when did you next see Nathan Duffin? A Never saw him any more; when I went to his house, they said he was gone south, and I never saw him any more.
Q Do you know anything about the boys of the family being back up at Garnett or about there after that.
A Yes, sir, I seed the boys up there, but I never saw Nathan, nor his girls after they left.
Q What were the boys doing up there about Garnett? A The first time I seed them after Nathan was gone, they were there in the farm at the Campbell's, and one I think was going to school after that.
Q Do you know where he went to school? A I don't know; up at Lawrence or somewhere.
Q How frequently did you see the boys up there about 1866? A I cant say that, because sometimes I wasn't there for two or three weeks or a month or two; I saw them a time or two after that.
Q What were they doing when you saw them? A The last I saw one of them was there seeing about going to school.
Q Do you remember when that was? A No, sir.
Before that time you say they were at work on Campbell's farm, what were they doing? A Working on the farm the old man had lived on.
Q Do you know anything about who had that farm leased or anything about that at that time? A No, sir, I don't know for certain whether it was the old man or the boys.
Q Did you know a man by the name of Mayfield at that time? A I ought to, he raised me.
Q Do you know whether or not he had it leased at that time? A He had that someway; I don't know the best of my acknowledgement Mayfield leased it in the first place.
Q You don't know much about the leasing business, anyway? A No, sir.
Q The boys were simply working there in the crop season? A Yes, sir
Do you know what year that was the worked in the crop.? A That was along in '68, I think it was, the last time, if I aint mistaken.
Q You don't remember about the years? A No, sir, it might have been in the fall of '66.

By Mr. Davenport:
Q Your postoffice is what? A Garnett, Kansas.
Q How far do you live from this Campbell place that Nathan Duffin was living on when you first got acquainted with him? A It is not far, not over two miles.

Q How far did you live from the Campbell place at the time you got acquainted with him in 1866? A I lived in Lynn County then.
Q How far were you from there? A Must have been close on to 25 miles.
Q As I understand you Nathan Duffin was never at your house but one time in 1866? A I don't know; I didn't say he wasn't or was.
Q Was he there more than once in 1866, at your house in Lynn County?
A I couldn't say that he was there over once in '66.
Q Once then in 1866 when he was at your house he had a conversation with you in which he said he was coming back south to get a home?
A Yes, sir.
Q That was in March or the Spring of 1866, you say? A Yes, sir.
Q When did you next see Nathan Duffin after that time, if at all?
A I never saw him any more after that.
Q Had you ever been over to Garnett prior to the time you saw him there at your house in 1866 ? A Yes, sir.
Q Had you ever been to the Campbell, or Johnson's, place there near Garnett? A Yes, sir.
Q Had you ever been to Nathan Duffin's house before he came to your house in March, 1866? A Yes, sir.
Q Then you went over, you say, in July or August, 1866, to the Duffin place and somebody told you Duffin had gone south? A They said he had gone.
Q That was in July or August, 1866? A Yes, sir.
Q His family, at that time was living on the Campbell place, near Garnett, Kansas? A I saw the boys there.
Q Do you know whether or not he had a wife and daughters? A He had two.
Q You were acquainted with them? A Yes, sir.
Q Did you go to his house? A Yes, sir.
Q Can't you tell me whether or not the wife and daughters were there when you went there? A The last time I went they were not there.
Q Did the boys tell you where the wife and daughters were? A I asked them where was Nathan and they said he went south.
Q Are you positive that that was in July or August, 1866? A Yes sir.
Q Don't you know that George B. Duffin't testimony and all that have testified in his behalf don't claim that the mother and the daughters came south in 1866, with the father, but that Nathan Duffin came alone, so far as his individual family is concerned?

Mr. Blue: Objected to on the ground that it is nor proper cross examination, for the reason that it is assuming something in regard to this testimony which I don't understand to be true, and for the further reason that it is wholly incompetent, i material and irrelevant, and not proper cross-examination.
Commission: Objection noted, witness will answer.

A No, sir, I don't.
Q You don't know of your own knowledge when the family left Garnett, Kansas? A No, sir.
Q Do you know Thomas Foster, a man who was raised by old man Campbell that owned the place on which the Duffin's lived in 1866? A
A I do.
Q Do you know George Campbell? A Yes sir.

Q How long have you known them? A I have known them about as long as I have known any of them about Garnett; that is George, Tom I don't know.
Q Tom Foster, I am speaking of? A I don't know him personally.
Q Did you know Tom Foster's mother? A No, not to really know her.
Q Old man Campbell raised the two Foster boys, or they worked there for him for a long time, didn't they, after the war?

Mr. Blue: Objected to for the reason that it is not proper cross-examination, is incompetent, immaterial and irrevelant and does not serve any purpose as testimony in this case.
Commission: Objection noted; witness will answer.

A They might have been working for him, but to say I knew the boys I don't.
Q When you went up to the Duffin home there in July or August, 1866, were they living then on the Campbell place? A Yes, sir, right on the Campbell place.
Q Was anyone living with them or in adjoining house? A There was somebody, but I don't recollect who.
Q I believe you say you were raised by Mayfield? A Yes, sir.
Q Didn't Mayfield live on the Campbell place when you went up there that time and saw them? A Yes, sir, went to live there.
Q Wasn't Mayfield living on the Campbell place in 1866, or at least the time that Duffin and his family lived there? A Yes, sir.
Q How far apart? A I don't know.
Q Were you ever at the Mayfield home? A Yes, sir.
Q Were you ever at the Duffin home? A Yes, sir.
Q Isn't it true that it was a double log house and that one family occupied one room of the house and the other family the other? A That may be, I don't know.
Q You were there? A Yes, sir.
Q Were they living that way when you were there? A I don't recollect whether they were or not.
Q You don't recollect much about it then? A Not any more than what I have said.
Q Which family moved away from the place first the Mayfield or the Duffin family ? A I couldn't say.
Q Do you know of your own knowledge when either of the families moved off of the Campbell place? A No, sir, just to come to the date, I don't know.
Q The next thing you knew of them after you were up there this time in July or August, 1866, you saw one of the boys up there working on the farm? A Yes, sir.
Q And you saw one of them that you learned had been going to school? A Yes, xxxx, after that.
Q That was several years after that, wasn't it? A I never kept no record, I don't know.
Q But you remember distinctly 1866? A Yes, sir.
Q Can't you remember another year as well as 1866? A I suppose I could.
Q What year was it then that you saw the boy up there when he said he had been going to school? A I don't know exactly, couldn't say.
Q How big a boy was he at that time? A A good sized boy.
Q Was it as late as 1868 or '9? A I would not be positive, I don't know.
Q You were not up to the Campbell place later than July or August, 1866? A No, sir, not to say a visit, I might have been.

Q You didn't help the old man Duffin hold a protracted meeting up there that fall? A No, sir, I think not; might have been.
Q How old were you at that time? A Don't know exactly; never knowed my age; people them times never give my age, how old I was.
Q Wasn't the Duffin boys up there at Garnett when the railroad was built in there? A Wasn't no railroad there when I seen them.
Q Weren't they living there when the railroad was built there? A Not to my knowledge.
Q Were you at Garnett about that time? A I was at Garnett long before the railroad was.
Q Were you at Garnett when the railroad come there? A I was when they built the Missouri Pacific.
Q Is there another one there? A Two others there.
Q Which was the first road built in there? A I don't know exactly, but I think the M. K. & T. built there first.
Q Where were you living when the first railroad there built to Garnett, Kansas, the first railroad built there after the war? A I was living in Lynn County.
Q You hadn't moved up to Garnett? A No, sir, I think not.
Q When did you first find out that you were going to be a witness in this case? A I found it out yesterday about half past three, I think it was; I didn't know what the case was, nor nothing about it.
Q They didn't tell you what case they wanted you to testify in?
A No, sir, just wanted me down here to testify in a case.
Q No one asked you what you knew about it? A No, sir.
Q And brought you from Kansas down here to testify without talking to you about it? A Never had no conversation about it.
Q Any with anyone? A No, sir.
Q How did they know what you were going to testify to? A I don't know.
Q They didn't ask that you would testify in any case? A All that was asked me, was I acquainted with Nathan Duffin, and I told him I ought to be; I waited 12 months for him to baptize me, and he come south and has never baptized me yet.
Q You never saw Nathan Duffin in the Cherokee Nation? A No, sir, I never.
Q Never saw any of his family before to-day in the Indian Territory, did you? A No, I wasn't particularly acquainted; I saw old man Nathan down preaching at the camp meeting when I was small.
Q When was that? A Before the war.

By Mr. Blue:
Q Are you a citizen of the Cherokee Nation? A I was born and raised here.
Q Were you taken out of here during the war? A Yes, sir.
Q Did you ever return to the Territory afterwards until now? A I came down, I think in, either in the fall of 1866 or 1867, down on Big Creek with old man Peter Ward and Joshua Ward, Abraham Ward and Peter Meigs.
Q You are a citizen of Kansas now, are you not? A Yes, sir, been living there all the time.
Q You say you did hear the old man Nathan Duffin preach in the Territory when you were a boy? A Yes sir.
Q Then after that when did you next hear him preach? A The next time after that I heard him preach in Mound City.
Q Lynn County, Kansas? A Yes, sir.

Q After he left you in Lynn County, as you stated, you never saw him any more? A Not after he was at my house and was talking about coming down here.
Q What was 1866 you saw him this last time? A Yes, sir.
Q Can you name the names of the roads that are now running into Garnett? A Missouri Pacific and the K & D and the Southern Kansas, the first road that was built.
Q While ago you said the M. K.& T.? A Sometimes I call it that, but we call it the Southern Kansas.
Q Do you remember when the Missouri Pacific was built in there? A I can't say the year but we worked on it.
Q Do you remember when the K K & D was built there? A I couldn't say what year it was in; I worked on it from Garnett to Topeka.
Q Which of the three was built last? A Topeka road.
Q N K & D? A Yes, sir.
Q The other you say is the Southern Kansas? A Yes, sir.
Q Used to be called the L L & G? A Yes, sir.
Q Do you remember when that road was built into Garnett? A No, sir, I don't remember exactly what year.

GEORGE E. DUFFIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A George E. Duffin.
Q How old are you? A About 51; I was born in 1861.
Q You are one of the applicants in this case? A Yes, sir.

By Mr. Blue:
Q When did you say you were born? A In 1861.
Q What is your business? A I am a farmer now; have been a minister
Q In what church? A A M E Church.
Q Are you a son of Nathan Duffin? A Yes, sir.
Q Who were your sisters and brothers? A Sarah Moss, Eliza Keys and Joshua Duffin; Henry Thornton is our halfbrother.
Q He is not involved in this case? A No, sir.
Q Did you hear the testimony of Mr Campbell and Mr. Foster and Johnson given in this case? A Yes, sir.
Q Have you read the testimony of the two Johnson's given in this case before? A Yes, sir.
Q I want you to tell the Court all about the question of when Nathan Duffin, yourself and when his family came to the Cherokee Nation after the war, and how long they remained here and any and all the facts connected with it? A In the Spring of 1866 he came down with a number-------
Q Who came? A Father, Nathan Duffin, came down with a number of others to select a place and he left his family on this Campbell farm, where we were farming and I and my brother made the crop that season and he came back after selecting a home andin the fall of 1866 sold his farm and came to the Territory.
Q You say he sold his farm? A I mean his potatoes, his corn, his produce, etc.
Q There was that corn and produce situated? A On the Campbell farm.
Q In what place? A On Pottawotamie, I believe the creek [illegible] called, about two miles east of Garnett.
Q In what County and state? A Anderson County, Kansas.
Q After he sold out his interest in the crop there what did he do, and what did the family do? A He loaded his wagons in the fall and came to the Cherokee Nation, Indian Territory.
Q Who came? A Father, Nathan Duffin.

Q Who of the family came? A All of the family, father, mother, and the four children, two boys and two girls.
Q Did any other family or person came with him that time other than the family? A No, sir.
Q When did Nath n Duffin and his family reach the Territory? A In November, fall of '66.
Q What did N than Duffin and his famil do at that time? A He selected his home and went to building as soon as possible.
Q What had he done in the Spring, if anything, in the way of selecting a home? A He selected a home first on Grand River with the crowd he came with; then he was better informed that it would be a better life to live, better country for him to move out on the west of Grand River.
Q Where did he locate his home? A On Big Creek.
Q When did he locate it there? A In the fall of '66.
Q What did he and his family do after selecting the home there on Big Creek? A Went to diggin around and are still there yet.
Q Have any of his famil or he ever had any other home than that? A No, sir.
Q Is he living now? A No, sir, he is dead.
Q Where did he die ? A On Big Creek, in the home we live in.
Q The same place he selected in 1866? A Yes, sir.
Q After selecting the place and digging around there what did you do in the way of putting up a house? A We went to work and built a log house and put some logs on it and went to work.
Q Did you build and complete a house there? A We put a double log house first and didn't finish covering but one.
Q Did you finally finish that house? A Yes, sir, and covered it the second time with boards and rips.
Q Do you know George W. Lynch, Wash Lynch? A Yes, sir.
Q Did you hear him testify in this case? A Yes, sir.
Q Do you remember of his having come to your father's house on Big Creek, as he stated? A Yes, sir.
Q Do you remember when that was? A I am not positive, but to the best of my memory it was the following spring, him and Art Williams; the reason I remember him Art Williams as the man that was selected as a delegate to go with father to Washington on freedmen business, and it was Lynch and Williams that come there that day.
Q Do you remember what month it was in that they came there? A I think it was in February.
Q How long had Nathan Duffin and his family been living at that place when Wash Lynch came there? A We built it in the fall and the following Spring they came there.
Q Do you mean to say by that that you built it in November and were there in February when they came there? A Yes, sir.
Q After Nathan Duffin and his family moved down there did either of the girls return to Kansas any more? A No, sir.
Q Where have they resided since that time? A At home until they married and aint been anywhere yet; Sarah Moss lives on her place and Eliza Keys lives close to the old place.
Q In what Territory or Nation? A Cherokee Naton, Indian Territory.
Q Have either of the girls ever resided out of the Cherokee Nation anywhere? A No, sir.
Q Since they came here in November, 1866? A No, sir.
Q How about the boys, what was their course in regard to living in the Territory after Nathan Duffin and his family located on Big Creek, as you stated? A After we got located, of course everything to live on was scarce and we lived around andI and my brother went back up to Kansas where we had lived and worked there, and worked with our teams and come back home.

Q Where were you on the 28th day of June, 1898? A All at home on Big Creek.
Q How long had you been at home there, you and your brothers and sisters, on the 28th day of June 1898, without having been out of the Territory? A I really couldn't say, the girls had never been out; of course, myself, I travelled and preached a good deal about up in Kansas and went to school up there two years.
Q While you were travelling and preaching and going to school did you have a home in the Cherokee Nation? A Yes, sir.
Q How about your brother Joshua? A He had his home here.
Q During all this time since November, 1866, did either your brother or yourself ever vote in any of the states? A No, sir.
Q Or ever exercise any rights of citizenship in the states? A No, sir, I wasn't old enough.
Q Did either you or your brother or the girls ever have a home in any of the states? A No, sir.
Q During all this time? A No, sir.
Q Have either of them ever had a home anywhere else than the Cherokee Nation at any time? A No, sir.
Q Where were you at school? A Baker University.
Q What county in Kansas? A Douglas County.
Q What city? Baldwin.
Q How long were you at school? A Entered in '82 and I ft in '84.
Q During that time did you return to the Cherokee Nation? A Yes, sir, every commencement.
Q During that time you kept your home in the Cherokee Nation? A Yes, sir, had a farm in the Cherokee Nation on the Verdigris River, at the mouth of Possum Creek.
Q For what purpose did you and your brother go back into Kansas after you came here in 1866? A We went back to work and to get provisions to help our family to live; our horses got stolen the following spring after we came down, and we had nothing to make a living with, and we had to work out and help father make a living for the family.
Q As between the Cherokee Nation at that time and Kansas, which was the better place to find work and get good wages? A In Kansas, there was nothing here to do, nothing here but wolves and deers and we had no guns to kill them with.
Q Did you have any other purpose for going back there, except to make money for the family? A That is all, except to go to school.
Q How long was the longest time that either of you were in Kansas at one time after you located in the Cherokee Nation in November, 1866? A The longest per-iod that I think any of the family ever stayed there was about nine months, I would stay during school and come home.
Q When you were working what was the longest period of time any of you remained up there after November 1866? A I would stay a couple of months sometimes and sometimes 2 1/2 months; I don't think e exceeded two or three months at any time.

By Mr. Davenport:
Q You were how old when the war closed, George? A I don't know; we didn't know anything then.
Q Do you know anything now? A Yes, sir.
Q How old are you now? A 51.
Q How long has the war been closed? A It has been closed about ---
Q 39 years, hasn't it? A It closed in '65.
Q Hasn't that been about 39 years? A I expect so.

Q You have testified once or more times before in this case, haven't you? A Yes, sir, ever since the Wallace Court.
Q Did you mention before the fact of your going up there for better wages? A When I was asked I did.
Q You were represented by counsel then when you gave testimony, were you? A Before this Court?
Q Yes, before this present Commission? A I don't know really, I think Smith and Mellette made the representation to some extent.
Q You were living near Garnett, Kansas, when the war closed? A I think we were living right in about 2 1/2 miles of Garnett, Kansas when the war closed.
Q Are you the oldest one of the children? A No, sir.
Q Which is the oldest? A Breaher Henry and Joshua.
Q On whose farm were you livin when the war closed? A We were living on what was known as the Rumley farm.
Q How far from the Campbell place? A About four miles.
Q What year did you move on the Campbell place? A Immediately after Price's raid; it was in '65.
Q How many crops did you make on the Campbell place? A Immediately One.
Q You moved there in 1865? A We left the Rumley place immediately after Price's raid in '65.
Q What crop year was it you made a crop on the Campbell place? A '66.
Q Your father or some of the members of the family had a lease on the Campbell place? A No, sir.
Q Who was it had that lease? A Thomas Mayfield.
Q Mayfield lived on the Campbell place, too, didn't he? A Yes, sir.
Q In adjoining houses to your father? A Yes, sir.
Q Did you know Tom Foster that old man Campbell was raising at that time? A Yes, sir.
Q Did you know his mother? A No, I wasn't well acquainted with his mother.
Q You have seen her? A Yes, we always called Campbell's wife his mother.
Q But you knew he had a mother that lived near there? A Yes, sir, but I wasn't acquainted with her.
Q Didn't you see her? A No, sir.
Q Do you remember when she got married? A No, sir, didn't know she was.
Q You saw Tom Foster here the other day? A Yes, sir.
Q And George Campbell? A Yes, sir.
Q And heard them testify? A Yes, sir.
Q Col. Blue asked you if you heard them testify and you answered, "Yes, sir" A Yes, sir.
Q You heard Ann Sanders testify the other day in your behalf? A No Ann Sanders testified for me.
Q Was it Nan? A No woman at all to my knowledge, testified in our case when we were here before; Lynch did, but no woman didn't.
Q You wasn't here then when she testified? A I was here when they had her on the stand, but not in our case.
Q You heard her testify didn't you? A I know she was here. But I don't think I heard her testify.
Q When was it your father came to the Cherokee Nation after the war to locate this farm of his? A In '66.
Q When your father came? A Yes, sir.
Q Was it in the Spring he came to locate the place? A In the Spring he made his first trip.
Q Did he come in the Spring of 1866 for the purpose of locating him a farm in the Cherokee Nation? A Yes, sir.

Q Was that the time you say he located a farm for himself and family on Grand River.? A Yes, sir.
Q Then I understand you to say that your father came to the Cherokee Nation in the spring of 1866 for the purpose of locating him a farm as a freedman citizen of the Cherokee Nation? A Yes, sir, that is the way you understood me.
Q And that he went back and later in the year of 1866, he moved his family down?A Yes, sir.
Q Who were with him on that first trip? A I couldn't remember; Thomas Mayfield was one, and my brother Henry, the spring visit you mean?
Q Yes, sir. A Thomas Mayfield brother Henry and I don't remember.
Q Wilson Towers was along? A No, sir.
Q When did he come with him? A He didn't come with us.
Q Do you know whether or not you were in the Cherokee Nation at the time that your father came down and went over to old man Steve Little's and borrowed $10. to pay for a night's lodging to a white man up there? A Yes, sir, I was right up here on Big Creek.
Q That year was that? A It was in the following, it was '66, the following spring after we settled the place.
Q Tell me the year; I wasn't asking anything about the spring and fall: A I guess that must have been in the early spring about in '67, I am not very positive, but it was in the following spring that our horses were stolen, because they stole one of my mares.
Q Then old man Little is mistaken when he says it was in the summer and corn was waist high when they come there, is he?A He testified that corn was waist high; but I don't know how high corn was, it was planted I know; we had planted and we were quite late getting our corn in.
Q Had you seen Wilson Towers at that time in the Cherokee Nation that your father borrowed the $10? A I never saw him; the crowd come there and went in search of the horses; I am told he was in the bunch; Sim Rogers and Sam Mosely, better known as--- and Mose Smith; I wouldn't go on to state any more.
Q Where was Santa Ann Nivens? A I believe he was there; I aint positive.
Q As I understand you, George, the old man Little and the parties who testified this morning to your father's coming to his house in the summer of 1866 to get this money to pay a night's lodging, are mistaken as to the year? A It was the following spring that our horses were stolen; they must have been mistaken, because it was the following spring ; we came in the fall and the following spring our horses were stolen.
Q Is it true or not true as testified by old man Little in your behalf this morning that when your father came there and got the $10. to pay his board bill that he was there for the purpose of locating a home and that he was going back to move his family down? A He didn't have to move us here; we were located already on the creek; it was on Big Creek that our horses were stolen.
Q What creek did you locate on first in the Cherokee Nation? A Big Creek.
Q Near whose place? A No place.
Q Who was living on Big Creek, if anyone, when you, your father, brothers and sisters came to the Cherokee Nation? A There wasn't no Indians, the Delawares came after we settled the place; the Fallleaf town was built right below us on the Creek? The nearest colored family that lived near us was Andy Daughterty and on further down about six miles Samuel Webber and this Samuel and Wilson Towers and old man Caesar Smith and several others I haven't time to call.

Q Did Wilson Towers live there on the creek when you moved to the Cherokee Nation? A Yes, sir, west from the old man Webbers place.
Q He came then before you and your father and family came? A They were there when we came.
Q How long after you settled did the Delawares come? A It must have been a little over a year.
Q And you made a crop in the meantime? A Yes, sir.
Q Who of the Delawares first moved into your neighborhood? A Old man Falleaf is the only man I know.
Q Were there any others? A Yes, sir, quite a town of them.
Q How long did they live there near you? A Perhaps a year; quite a bit.
Q Can't you think of anyone else but Falleaf? A Yes, sir, his boys.
Q What were their names? A George.
Q The old man is dead, himself, isn't he? A Yes, sir, and George, too.
Q You think of no living Delaware that came there after you did? A No, sir, I don't know them, I guess they are all dead; The old man and George is.
Q How about white men? A Wasn't any there when we come.
Q Well, the colored people? A I have told you all there was there.
Q You are positive that Wilson Towers was living there on the creek when your father came to the Cherokee Nation? A They were all there.
Q Do you know W. H. Johnson? A Yes sir.
Q You read his testimony as to how long you people lived there at Garnett? A Yes, sir.
Q He is a citizen of the State of Kansas? A Yes, sir.
Q A white man? A Yes, sir.
Q He has occupied several positions there in the country, hasn't he, since the war? A I don't know; I don't know the Johnsons very well.
Q Do you know George Campbell who testified in this case? A Yes sir.
Q And Tom Foster? A Yes, sir, Johnson knows me a little better than I know him.
Q He seems to know you quite well? A Says he does, but he don't.
Q Have you made any effort to get any of these white people around Garnett, Kansas, where you lived at the close of the war, to testify in your behalf? A No, sir.
Q Have you called on any of them to ascertain from them the date that your father and family left Garnett? A No, sir.
Q The last crop that you claim you made then, was made in the year 1866 on the Campbell place? A Yes sir.
Q How long did you leave Garnett before the railroad was built; in there? A There was no railroad there when I left, as I remember, I don't remember.
Q Is it true or not true that you and your brothers helped haul ties for the construction of that road? A It is untrue; there was no railroad there.
Q Then Mr. Johnson is mistaken when he swears that you and your brother hauled cross-ties by his house most every day while the construction of the road was going on? A Yes sir, he mistaken.
Q Was there any colored people that you knew lived near Garnett, Kansas, in 1866? A Yes, sir.
Q Do you know whether there are any of them living? A There was the Egan family, our nearest neighbors; Thomas Hayfield lives on Grand River.

Were there none of the state raised people there? A No, I believe there were no state raised nniggers living near there; they were all Injun niggers; I was just going to give you a number of them; there was Sandy Bean----

Q Where is he living now? A He is dead; his boys are living.

Q Who are his boys? A Joe Bean, Tobe, Arthur, Jake; there was the Adams'; Joe Adams; he came on down here.

Q Where is he now? A Dead; Gag Adams, he is living there now.

Q In Garnett? A I suppose he is.

Q You haven't even seen him? A Didn't have to.

Q You didn't much want to go there without police, did you? A Didn't think I had to.

Q You did go up there to another town 25 or 30 miles away to get a fellow to swear what your father told him? A No, sir.

Q Didn't you send for this man? A No, sir, some of the family did.

Q You knew it? A No, sir; you fellows sent for them.

Q We sent to the place where you lived to get them? A Yes, sir.

Q And we didn't try to get fellows who were on the doubtful or straight cards, either? A I don't know.

Q Don't you know that the Cherokee Nation went to men who were non-citizens and who had never lived in the Cherokee Nation and who had no interest one way or the other in the result of the cases? A Yes, after they come I knew it.

By Mr. Blue:

Q As a matter of fact, George, neither you nor your associates in this case went to a town 25 miles away to get a witness, did they? A No, sir.

Q Mr. Blackburn, who has been offered here as a witness, lives at Garnett, doesn't he? A Yes, sir.

Q And he has come from Garnett here today or yesterday? A Yes, sir.

Coming back to the date when you came down to the Cherokee Nation, that was------

Mr. Davenport: We object to going over that again and again.

Commission: I think that point has been gone over thoroughly.

Mr. Blue: They have misled him, and I think we ought to go over it again.

Commission: Proceed.

Q When did you first come back here to the Cherokee Nation? A In the fall of '66, we moved.

Q When did your father start from up there to come back here? A In the spring of '66.

Q Now, do you know whether or not at that time your father and those that were with him lost some horses? A At the time they returned back.

Q When he first came down here in 1866 to make his first selection do you know whether they lost many horses at that time or not? A No, sir, I don't know.

Q Did you hear the testimony of this old gentleman, Steve Little? A Yes, sir.

Q Did you hear what he said about the date when your father first came to his house? A Yes, sir.

Q Do you remember what he said as to when he loaned him that money? A Yes, sir, he said it was in the Spring of '66, to my best recollection.

Q You think it was in the spring of 1867? A I think it was, because we came here in the fall of '66, and our horses were not stolen until the following spring, and it must have been '67.
Q What, if anything, do you know of your own personal knowledge about Mr. Little's making him a loan of money? A I know that father sent the money back, but I forget by who, and he told the family that he borrowed $10 to assist him in the search for the horses, and I know he sent it back to Mr. Littles; I didn't know who it was, but afterwards I formed an acquaintance with him.
Q Were you there when the money was borrowed? A No, sir, I was at home then.
Q Then you were not present at all when he went to Mr. Little's and got the money? A No, sir.
Q Don't claim to have been? A No, sir.
Q And what you know about that loan is what your father said about his starting money back to Mr. Little? A Yes, sir, that is all.
Q You think that was in 1867? A Yes, sir, that is my best recollection; I think the old man made a mistake.
Q But you do know that your father and his family were in the Cherokee Nation at their home in November, 1866? A Yes, sir.
Q And that home has been there ever since? A Yes sir.
Q You spoke of V. A. Johnson, do you know whether he is living now? A I heard he was dead.
Q Do you know what his profession was? A No, I don't know, but I heard.
Q Wasn't he a lawyer? A Yes, sir, we always called him lawyer Johnson.
Q To your knowledge did he ever visit your father's home at any time while he lived in Kansas? A No, sir, not as I know of.
Q To your knowledge did he have any acquaintanceship with your father in Kansas? A I know more of him through father than anyone else.
Q Did you boys and girls have any acquaintance with him? A No, sir.
Q Were you and Joshua up in Kansas in 1870, at any time, at work there at anything, or either of you? A Yes, we worked around there in '70 and was back up there working so much I really couldn't tell, but I know that I and my brother were working up there in Kansas when the L L & G made its first arrival in Garnett.
Q Is that the road that they called the Southern Kansas afterwards? A I suppose, we always known it to be the L L & G; it may be called the Southern Kansas.
Q Did you or your brother, or both of you haul cross ties at any time for any railroad? A No, sir, never hauled a tie in Kansas in my life.
Q During the time that you worked, as you stated, up there, did you work any on crops of corn for farmers? A Yes, sir, we cut up corn some years; and done anything we could get hold of; I remember we cut up corn for people.
Q Did you work together up there or separately? A Sometimes together and sometimes we didn't; I always wanted to be with brother, because I was younger and when we could get jobs together we went together.
Q You thought about this work proposition before you were cross-examined, hadn't you? A I had, yes, sir.

By Mr. Davenport:
Q What year was it you and your brother were back in Kansas at work?
A It was from the time we came back, from the spring of '66 until we could do better, I couldn't say specially----
Q What kind of work? A Anything we could get to do.

Q Can't you tell me anything? A We cut corn.
Q For whom did you cut corn? A I can't remember, it has been a good while ago.
Q Can't you remember a single man you cut corn for before or after you come to the Cherokee Nation, if you cut at all? A I cut for Gibson.
Q How far did Gibson live from Garnett Kansas? A Adjoining farm to the Campbell farm.
Q Who else did you work for and what kind of work did you do? A I wouldn't go to work and tell you every man and what kind; it has been so long.
Q You remember everything you did in 1866? A Yes, sir.
Q Then why can't you tell about some other year? A I can't say that I am able to tell every man I worked for; I didn't make any memorandum.
Q Did you make any memorandum of the year 1866? A I did not. I guess you all know Dr. Miller.
Q I didn't. A He was a man that came around through Kansas and was telling freedmens that there was a treaty made and if the would go back at once they would get homes and would enjoy the same privile-ges and immunities as Cherokees, father was preaching and travelling and came home and told him he believed he would take his family and go back to the Nation, that he had seen Dr. Miller in Fort Scott and he said that if he would go back he would get rights the same as Cherokees.
Q Don't you know that you have testified in the last half hour that your father came to the Cherokee Nation in the Spring of 1866, for the purpose of locating him a farm and getting him a home? A Yes sir. Q Don't you know that that was months before the treaty was made, giving freedmen rights in the Cherokee Nation? A I don't know, I know he came back in the spring of '66, and if he got here before the treaty was made he got here too soon.
Q Don't you know he didn't say anything about coming back to get a home in the Spring of 1866? A Of course he did.

By Mr. Blue:
Q You do know, as a matter of fact, George, that your father, Nathan Duffin, with his family, all come to the Cherokee Nation and located in November, 1866? A Yes, sir.

Mr. Blue: Applicants close their testimony up to this time, so far as I know, if there is other evidence to be introduced, I want the privilege of cross-examination and rebuttal.
Commission: It has been the custom of the Commission to introduce in these cases the testimony in other case, that throw any light upon the facts.
Mr. Blue: What I want to save in this case is my right to object to the introduction of the records in any other case, on the ground that it is incompetent, immaterial, irrelevant, denies to the applicant the right to cross-examine the witnesses who have testified in these cases, and precludes him from an opportunity to rebut the testimony of the witnesses offered in said case or cases. And if said testimony, records, or decisions in said cases are tendered and admitted, I then desire to offer a motion to strike from the record and testimony in this case all of said records, testimony and evidence in said case or cases admitted, for the reasons set forth in the objection to their admission, and if said testimony, decisions

and records in other cases are admitted the counself for applicants then demand the right to cross-examine the witnesses who have testified against them and to rebut any testimony, evidence, documents or decisions so admitted against them.

Mr. Davenport: The representatives of the Cherokee Nation, in view of the fact that the testimony of George B. Duffin shows that Wilson Towers was on Big Creek when he and his father's family returned to the Cherokee Nation, desire that the Commission make reference to the case of Wilson Towers, which was formerly F.D. 466, but now F.D. 276, that reference be had to same in making up the decision in this case.

Mr. Pike: To which counself for the applicants in this case enters the objection, as stated above, he desired to offer to the introduction of this character of testimony and in addition thereto objects and says the decision and the testimony upon which it is based is incompetent, irrelevant and immaterial and is an attempt to impeach the testimony of George B. Duffin without having called to him attention that the testimony he has given in said case, or that any other witnesses in said Towers case had given in opposition to his testimony in this case, and counsel for applicants, if said decision and testimony in said Towers case is admitted by the Commission, moves, for the same reason and objections above given, to strike said decision and the testimony therein offered herein, from the record in this application, and if said motion is overruled by the Commission and said decision and testimony is considered herein, then counsel for the applicants requests that opportunity be given to cross-examine the witnesses in said case whose testimony affects the testimony of George Duffin herein, and that the said George Duffin have opportunity to rebut the testimony of said witnesses whose testimony is used herein for the purpose of impeaching and affecting the testimony of George B. Duffin.

Commission: The statements, motions and objections of the counsel in this case will be noted and made a part of the record herein, and this case is now considered closed. The applicants' attorney will be given 15 days in which to file argument in this case, a copy of which they will be required to furnish the attorneys for the Cherokee Nation.

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W. W. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) W. W. Vance.

Subscribed and sworn to before me this the 4th day of August 1904.

(Signed) Wm T. Martin, Jr
Notary Public

Edith L. Morey, being first duly sworn, states that as

stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy, and that the same is a true and correct copy of the original transcript.

Edith L. Monyg.

Subscribed and sworn to before me this the 13 day of August 1904.

J. Blanchard
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George B. Duffin et al., for enrollment as Cherokee Freedmen, consolidating the applications of

George B. Duffin----------Cherokee Freedmen D 505,
Sarah Moss et al.----------Cherokee Freedmen D 506,
Eliza Keys----------Cherokee Freedmen D 507,
Joshua Duffin----------Cherokee Freedmen D 509,
Frank Duffin----------Cherokee Freedmen R 109,
George N. Moss----------Cherokee Freedmen D 510.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George B. Duffin, for himself; by Sarah Moss, for herself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss; by Eliza Keys, for herself; by Joshua Duffin, for himself and minor son, Frank Duffin; and by George N. Moss, for himself.

The evidence shows that the applicants, George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin, were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867.

The evidence further shows that the applicant, Frank Duffin, has been born since 1866 and is the son of and claims right to enrollment through the said Joshua Duffin; that all the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Sarah Moss.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight L. Moss, Willie Moss, Eliza Keys, Joshua Duffin,

Frank Duffin and George N. Moss, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman.

(SIGNED) T. B. Needles
Commissioner.

C. R. Breckinridge
Commissioner.

Tarlton Merrill
Commissioner.

Muskogee, Indian Territory,

this JUL 10 1907

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George B. Duffin et al. as Cherokee Freedmen, consolidating the applications of:

George B. Duffin,	Cherokee Freedmen	D 505,
Sarah Moss, et al.	" "	D 506,
Eliza Keys,	" "	D 507,
Joshua Duffin,	" "	D 509,
Frank Duffin,	" "	R 109,
George Nathan Moss,	" "	D 510.

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D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to this Commission by George B. Duffin for himself; by Sarah Moss for herself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight Lyman and Willie Moss; by Eliza Keys for herself; by Joshua Duffin for himself and minor child, Frank Duffin; and by George Nathan Moss for himself. The record further shows that on July 10, 1903, the Commission rendered its decision herein denying said applicants the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded to the Department; that thereafter, on May 20, 1904 (Departmental letter I. T. D. 222-04), this case was remanded by the Department for further testimony, and on July 16 and 28, 1904, supplemental testimony in the matter of said applications was taken at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin, claim the right to enrollment as Cherokee freedmen by virtue of their compliance with the treaty stipulations of 1866, and that the other applicants herein claim the right to enrollment as Cherokee freedmen as descendants of the said applicants, Sarah Moss and Joshua Duffin.

GEORGE W. DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am forty-nine years old and am the son of Nathan and Frances Duffin, both deceased. I and my mother, before the war, belonged to Dr. John Thornton, a Cherokee citizen, and I was taken to Fort Scott, Kansas, during the rebellion, and with my father and his family returned to the Cherokee Nation and located on Big Creek, in November, 1866, and have since continuously lived in said Nation. We came from near Garnett, Anderson County, Kansas, and upon our arrival in the Cherokee Nation, found Andy Daugherty and Daniel and Mike Sanders and Ca Webber living on Big Creek; they had some little patches broken out, from which they had gathered the crops for that year.

Said applicant being recalled and further examined by the Commission, testified as follows: When I can first remember I was living in Goingsnake District, Cherokee Nation, about six miles from Du ontown. I remember distinctly when I was taken from the Cherok e Nation to Kansas, and since my return to the Cherokee Nation I have been out occasionally in the different states, as a minister, and spent two years at school at Baker University (Kansas).

SARAH MOSS appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of her application for enrollment as a Cherokee freedman testified as follows: I am forty-three years old, and am the wife of Richard Moss, a non-citizen of the Cherokee Nation who is the father of my children, all of whom were born in the Cherokee Nation since 1866. I am a sister of the applicant, George W. Duffin, and the daughter of Nathan and Frances Duffin, both deceased. I and my mother were the slaves of one Dr. John Thornton, a Cherokee citizen. I returned to the Cherokee Nation after the war with my father, brothers and sisters, and have since continuously lived in said Nation.

ELIZA JAYS appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of her application for enrollment as a Cherokee freedman, testified as follows: I am forty-years old, and am the daughter of Nathan Duffin and Fannie Thornton (Frances Duffin), and the sister of the applicants, George W. and Joshua Duffin and Sarah Moss. I was taken to Kansas during the war, and have continuously lived in the Cherokee Nation since I returned thereto after the rebellion.

JOSHUA DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am about forty-nine or fifty years old. I was the slave of Dr. John Thornton before the war, went to Fort Scott, Kansas, during said war, and returned to the Cherokee Nation some time during the

summer of '66, with my sister Sarah (Moss) and brother George (Duffin). The minor applicant, Frank Duffin, is my illegitimate son, and is sixteen or seventeen years old . (Cherokee Freedman Enrollment card No. R 109 shows that Annice Johnson, deceased, mother of the said Frank Duffin, was a non-citizen of the Cherokee Nation). I remember when we returned to the Cherokee Nation after the war, it was in July or August, and Mr. Webber and Towers and Ways all had their corn laid by when we arrived. I have never been in Kansas longer than two weeks at a time since I removed to the Cherokee Nation after the rebellion.

GEORGE NATHAN DUFFIN appeared before the commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am twenty-two years old, and am the son of one Richard Moss, a non-citizen, and the applicant herein, Sarah Moss.

GEORGE N. DUFFIN appeared before the Commission at Muskogee, Indian Territory, on July 26, 1904, and in support of his application for enrollment as a Cherokee freedman further testified as follows: After we came to the Cherokee Nation in November, '66, and got settled, myself and brother went back to Kansas with our teams and worked. Wilson Towers and family were living on Big Creek when we came there in 1866. Myself and brother went back to Kansas in the spring of '66 ('67) and worked until we could do better, but don't know just when that was.

ALLEN LYNCH, PIL GRA PICKS, MOSES RILEY, SAM WEBBER, GEORGE W. LYNCH, MARIAH FRENCH, STEPHEN LITTLE AND WASHINGTON LACKEURY, testified at different times and places on behalf of the applicants herein, but with the exception of Moses Riley, Sam Webber and George W. Lynch, none of said witnesses give any material testimony tending to show that the applicants, George N. and Joshua Duffin, Sarah Moss and Eliza Keys, were in the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867.

MOSES RILEY testified as follows: I am fifty-one years old and have known the applicant, George N. Duffin very near all my life. Saw him in Kansas during the war, and again in the Cherokee Nation just before Christmas in '66. I was just a boy when I saw said applicant in '66, and lived about thirty miles from him.

SAM WEBBER testified as follows: I am fifty-eight years old and have known the applicant, Sarah Moss, ever since her father, Nathan Duffin, brought his wife and two boys, George and Joshua, and two girls, Eliza and Sarah Duffin, to the Cherokee Nation and located on Big Creek, just before Christmas, 1866.

GEORGE W. LYNCH testified as follows: I was born in December, 1852. I know the applicants, George N. Duffin, Sarah

Moss, Eliza Keys, Joshua Duffin and George Nathan Moss. I knew Nathan Duffin and first saw him and his family in the Cherokee Nation on Big Creek, about February 1, 1867, when, one morning I and Art Williams happened by Nathan Duffin's place and stopped for breakfast. I, at that time, was on my way to Fort Leavenworth to join the army.

W. A. JOHNSON, J. M. JOHNSON, GEORGE CAMPBELL AND THOMAS FOSTER, on behalf of the Cherokee Nation, testified at different times and places in this case, and identify the applicants George B. and Joshua Duffin, Sarah Moss , nee Duffin, and Eliza Keys, nee Duffin, as having continuously lived near Garnett, Anderson County, Kansas, during the first three years subsequent to the close of the rebellion.

Excepting the Wallace and Kern-Clifton rolls, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

In connection with parts of the testimony set out below, together with the status and credibility of some of the witnesses who testify in this case, attention is called to certain facts which the records of the Commission show to exist, and with which the Commission is thoroughly familiar:

George B. Duffin, applicant, testifies positively that upon his family's removal to the Cherokee Nation after the rebellion Daniel and Mike Sanders and Sam Webber were living on Big Creek, and had patches broken out, from which they had gathered the crops for that year; also, that Wilson Towers was living on Big Creek at that time. The advance guard of the Webber-Sanders detachment of freedmen , after the rebellion first came from Kansas to the Big Creek country, Cherokee Nation, about August,1866, remained a few weeks, during which time they selected their locations and did some work on their houses, and then returned to Kansas. They again visited the Cherokee Nation in December, 1866, remained a few days, during which time they did some more work on their houses and then returned to Kansas, and during the months of March and April, 1867, said colony of freedmen, with their families, arrived and permanently located in the Cherokee Nation, consequently, the first crops they raised in the Cherokee Nation after the rebellion was during the year 1867. In C. F. D. 466 (now R 276), the Commission has heretofore found that the said Wilson Towers did not remove from Kansas to the Cherokee Nation until the year 1868, and on April 25, 1904 (Departmental letter 2304-04), its finding was approved by the Department.

In re witness Moses Riley: The testimony in C.F.D 258 shows beyond little doubt that the said Moses Riley did not return to the Cherokee Nation until the fall of 1867. In C. F.D. 265 the Commission has heretofore found that Emma Purtle, who is a full sister of the said Moses Riley, and who was taken from the Cherokee Nation during the rebellion and returned thereto after said rebellion with her brother, Moses Riley, did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department.

In re witness Sam Webber: The Commission does not hesitate to say that the testimony of this witness is wholly unreliable and worthy of no credit whatever. There is on record with this Commission evidence filed in numerous freedman cases, which shows conclusively that the said Sam Webber did not, after the rebellion, live in the Cherokee Nation prior to the spring of 1867.

In re testimony of George W. Lynch: This witness testified that he was born in December, 1852, and about February 1, 1867, was on his way to join the United States army, and later in the spring of the same year joined the army at Fort Leavenworth, Kansas, and was discharged in the year 1872. This testimony seems somewhat remarkable in view of the fact that on February 1, 1867 the witness must have been less than two months past his fourteenth year, and for enlistment in the United States army at that time the age limits were eighteen and forty-five years.

The testimony of W. A. Johnson, J. M. Johnson, George Campbell and Thomas Foster, witnesses on behalf of the Cherokee Nation, who appear to be intelligent, disinterested, and unbiased, and who connect the matters of which they testify with events in their own experience that would naturally impress the dates upon their minds, is, on the whole, consistent, and shows beyond little doubt that the applicants, George B. and Joshua Duffin, Sarah Moss and Eliza Keys, were living near Garnett, Anderson County, Kansas, during the years 1866, 1867, and 1868.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the applicants, George B. Duffin, Joshua Duffin Sarah Moss, and Eliza Keys, were the slaves of a Cherokee citizen before the rebellion. (The evidence does not affirmatively show that the said applicants were the slaves of a Cherokee citizen at the commencement of the rebellion, although it does strongly indicate that they were); that they were taken from the Cherokee Nation during said rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al. for the return of Cherokee freedmen to said nation; and that the applicants, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight Lyman, Willie and George Nathan Moss, and Frank Duffin, were born since 1866, are descendants of the applicants, Sarah Moss and Joshua Duffin, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight Lyman Moss, Willie Moss,

Eliza Keys, Joshua Duffin, Frank Duffin and George Nathan Moss, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495) , and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.

(SIGNED).

Chairman

T. B. Needles.

(SIGNED).

Commissioner

C. R. Breckinridge.

(SIGNED).

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 1 6 1905

C 7 D 507

Vinita Indian Territory, May 19 07.

Received of the Commission to the Five Civilized Tribes one copy of the testimony in 507

Attorney for Applicant

FD 507

F. D. .....

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

.. day of A. D. 190.

Given under my hand this .....

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

.. day of ..... 190..

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

FILED
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Eliza Keys for enrollment as Cherokee Freedmen:

Case No. F. D 507

To Eliza Keys or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 10th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. M. Hastings

C. A. Davenport

Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Lina Keys,
Vinita, I. T.
Cherokee-F-D-507.
Register.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 5 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Vinita, I.T.

District Coweseccwee

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

Parents:

Father Cow Tuff Citizenship .....

Mother ..... Citizenship .....

14. Name of wife Eliza Tiger Age 40

Owner's name ..... Citizenship .....

Year ..... Page 183 No. 4459 District ~~Cow~~ no district given

Parents:

Father Nathan Griffin dead Citizenship Cherokee

Mother Frances " " Citizenship "

Names of Children:

3. ..... Year ..... Page ..... No. ..... Dist. .....
4. ..... Year ..... Page ..... No. ..... Dist. .....
5. ..... Year ..... Page ..... No. ..... Dist. .....
6. ..... Year ..... Page ..... No. ..... Dist. .....
7. ..... Year ..... Page ..... No. ..... Dist. .....
8. ..... Year ..... Page ..... No. ..... Dist. .....
9. ..... Year ..... Page ..... No. ..... Dist. .....
10. ..... Year ..... Page ..... No. ..... Dist. .....
11. ..... Year ..... Page ..... No. ..... Dist. .....
12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by Her Stenographer M. D. Green

Born Nathan Griffin 1900 to 1535, Cow Dist

Represented by Mellette & Smith, Vinita, I.T.

Pref to 2505-2506

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PANAMA-PACIFIC EXPOSITION
RECEIVED
JUN 17 1914

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of June 5th, 1901 in the matter of the application of Eliza Keys for the enrollment of herself as a Freedwoman of the Cherokee Nation.

Mellette & Smith
Attorney for Applicant.

Cherokee F. #D507.

Cherokee Freedmen
D-507.

Muskogee, Indian Territory, July 23, 1903.

Eliza Keys,

Wimer, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of George B. Duffin, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorneys, Mellette & Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-57.

Cherokee Freedmen
D-505,D-506,D-507,
D-509,R-109,D-510.

Muskogee, Indian Territory, July 23, 1903.

Mellette & Smith,

Attorneys for George B. Duffin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony in the consolidated case of George B. Duffin, et al., together with a copy of the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Almira, Dwight L., and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George N. Moss, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. N-60.

Cherokee Freedmen
D-505,D-506,D-507,
D-509,R-109,D-510.

Muskogee, Indian Territory, July 23, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of George B. Duffin, et al., rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George A. Moss, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. N-61.

Cherokee Freedmen
D-505,D-506,D-507,
D-509,R-108,D-510.

Muskogee, Indian Territory, July 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George B. Duffin, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George N. Moss, as Cherokee Freedmen.

Respectfully,

T. B. Needles
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. N-62.

-Copy-

Refer in reply to the following:

Land. 47049-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan. 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for the consideration of the Department, a record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of George W. Duffin, for the enrollment of himself; of Sarah Moss for the enrollment of herself and her minor children, Julia, Sanford Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss; of Eliza Keys for the enrollment of herself; of Joshua Duffin, for the enrollment of himself and his minor son, Frank Duffin, and of George W. Moss for the enrollment of himself - all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicants George W. Duffin, Sarah Moss, Eliza Keyes and Joshua Duffin were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867; that the applicant, Frank Duffin has been born since 1866, is the son of and claims right to enrollment through the said Joshua Duffin; that all the

other applicants have been born since 1866, and are descendants of and claim right to enrollment through the said Sarah Moss.

The Commission further says in said decision, that none of the names of the applicants herein is found on the 1880 authenticated roll of the Cherokee Nation, and by reason of this fact and said findings, the Commission is of the opinion that the enrollment of these applicants should be denied under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495).

I have examined the testimony submitted in behalf of these applicants, and also that submitted on behalf of the Cherokee Nation, and I am not satisfied that said opinion of the Commission was fully warranted by said testimony. The applicant, George W. Duffin, gives a very straight forward statement as to his birth, or rather his whereabouts from his earliest recollection, and standing alone, his evidence makes out his case. His testimony is supported by the testimony of the witness, Allen Lynch. The witness Fillmore Hicks, also substantiates the claim of said applicant, to the effect that applicant's father was in the Cherokee Nation in 1866, but the Commission shows that the statements of this witness cannot very well be relied upon. The next witness in behalf of said applicant is Moses Riley, who also testified that the applicant's father returned to the Cherokee Nation along about 1866. The said applicant is then re-called, after which the Nation calls two witnesses; viz: W. A. Johnson and J. M. Johnson, who both testify that they have resided at Garnett, Kansas, since 1858 or 9; that they knew

Nathan Duffin, the father of said George B. Duffin, and also knew his family, and they further testify that the said Nathan Duffin and his family resided at or near, Garnett, Kansas, in the year 1870. They fix this date by reason of the fact that the Santa Fe Railroad then the L.L.& G. was built at that time, and it is claimed by these witnesses, that said applicant and his brother were then hauling ties for said railroad. These two witnesses submit the only evidence that appears of record which shows that the claim of these applicants is not true.

It occurs to me that the Commission should have at least confronted the applicants with the facts testified to by the Johnsons, and had said testimony either admitted or denied by them. If, as a matter of fact, these applicants never returned to the Cherokee Nation until 1870, or later, it occurs to me that there ought to be several persons yet living in the Cherokee Nation who could testify that Nathan Duffin and his family did not reside on Big Creek in the Cherokee Nation at the place and at the time they claim to have resided there before 1870. It further appears from the testimony, which is not denied, that the applicant George B. Duffin has voted in the Cherokee Nation and has held permits therein. It is claimed by him and not denied that he was the slave of a Cherokee citizen and was taken out of the Cherokee Nation when a child, by the United States troops. It may be that the Johnsons are very credible witnesses and that their statements are entitled to great weight, but I hestitate to recommend that the

application of all these parties be denied solely upon the testimony of two persons residing in the State of Kansas, who undertake to give definite information relative to a colored family whom they do not appear to have seen for more than thirty years. Then, too, a close analysis of their testimony shows that they do not claim to have any definite knowledge of the whereabouts of these people from 1866 to 1870. The applicants themselves testify that they have worked at divers times in Kansas, and the testimony of the Johnsons might be true and yet these parties entitled to enrollment as Cherokee Freedmen citizens of the Cherokee Nation. These applicants make this claim and substantiate it in a large degree, and if possible I consider that the Cherokee Nation should positively show that their claim is not a valid one. The amount involved in a case like this is such that the issue raised should not be passed over lightly. If all of these applicants are entitled to enrollment, as Cherokee Freedmen citizens of the Cherokee Nation, it is a matter of very great importance to them to be so enrolled, and if on the other hand they are seeking to perpetrate a fraud on said Nation and secure valuable rights to which they are not entitled it is very important that the Nation show conclusively, that their claim is fraudulent, and the question should not be left in doubt in any way if there is evidence obtainable that will show conclusively either that the parties are entitled to enrollment or that their enrollment should be denied.

The decision of the Commission in this case throws no light upon the testimony. They saw the witnesses and heard them testify, but I find nothing in the decision as to the credibility of the different witnesses.

By reason of all the above facts, I consider that in justice to both the applicants and the Cherokee Nation, this case should be remanded to the Commission for a further hearing and opinion along the lines indicated in this review of the case.

Very respectfully,

(Signed) W. A Jones,

Commissioner.

W.C.B. A.C.T.

L.

D.C. 17603-1904. WCF

I.T.D. 222-1904. J.P.

L R S FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON. May 20, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 23, 1903, you transmitted the record of proceedings had in the consolidated case of George B. Duffin, et al., including your decision of July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George N. Moss, as Cherokee Freedmen.

It appears that George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin were slaves of Cherokee citizens at the commencement of the rebellion; that the other applicants were born since 1866, and are descendants of Joshua Duffin or Sarah Moss. You state in your decision that during the rebellion these applicants left the Cherokee Nation and did not return thereto until after January 19, 1867.

Reporting in the matter January 11, 1904, the Commissioner of Indian Affairs takes the view that the evidence does not show clearly that the applicants did not return to the Cherokee Nation within the time provided by the Cherokee treaty of 1866, and states

that in justice to both the applicants and the Cherokee Nation the case should, in his opinion, be remanded to you for a further hearing, and an opinion from you as to the reliability of the evidence introduced.

The Department is of the opinion that further evidence should be secured, if possible, before the applicants' rights are finally adjudicated. The testimony submitted is therefore returned and it is desired that you secure, if possible, such further evidence as will more clearly show whether or not the applicants are entitled to enrollment. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary

2 inclosures.

Cherokee Freedmen
D-507.

Muskogee, Indian Territory, June 4, 1904.

Eliza Keys,

Wimer, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting, among others, your said application.

In accordance with Departmental instructions you are advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of your application. It is particularly desired that you offer testimony tending to show the date of your return to the Cherokee Nation after the close of the war. You are requested to introduce witnesses other than those heretofore introduced by you.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-11

Cherokee Freedmen
D-505 et al.

Muskogee, Indian Territory, June 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys and George W. Moss.

In accordance with Departmental instuctions the principal applicants have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-16.

Cherokee Freedmen
D-505 et al.

Muskogee, Indian Territory, June 4, 1904.

Edgar Smith,

Attorney for George B. Duffin et al.,

Vinita, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys and George W. Moss.

In accordance with departmental instructions the principal applicants in this case have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment. The applicants have been requested to introduce

witnesses other than those heretofore introduced by them.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-18.

Cherokee Freedmen
D-505-6-7-8-10
R-109

Muskogee, Indian Territory, August 13, 1904.

Blue & Clover,
Attorneys for George W. Duffin, et al.,
Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of record of supplemental proceedings recently had in Cherokee Freedmen D-505, et al., George W. Duffinn, et al. There is also enclosed a blank form of receipt for said testimony, which you are requested to sign and return to the Commission.

Respectfully,

Commissioner in Charge.

Encl. S-31.

4.

Cherokee Freedmen

D-507.

Muskogee, Indian Territory, June 16, 1905.

Eliza Keys,

Wimer, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED).

Chairman.

Incl. S-54.
Register

COPY.

Cherokee Freedmen

D-80[illegible], et al.

Muskogee, Indian Territory, June 16, 1905.

Thomas Pilger,

Attorney for George W. Duffin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of George W. Duffin, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

[illegible]

Chairman.

Incl. F-[illegible].
Register.

PY:

Cherokee Freedmen

D-508, et al.

Muskogee, Indian Territory, June 16, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1908, rejecting the applications for the enrollment of George P. Duffin, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby

Chairman.

Incl. S-58.

Cherokee Freedmen
D-506, et al.

Muskogee, Indian Territory, June 16, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of George D. Duffin, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, rejecting said applications.

On Aug. 20, 1904, the Department remanded this case for further hearing and readjudication.

Respectfully,

Tams Bixby.

Chairman.

Incl. 3-60.

Through the

Commissioner of Indian Affairs.

COPY

Land.
47225-1905.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

July 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by George B.Duffin for himself; by Sarah Moss for herself and her minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight, Lyman and Willie Moss; by Eliza Keys for herself; by Joshua Duffin for himself and his minor child, Frank Duffin; and by George Nathan Moss for himself.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that on July 10, 1903, the Commission rendered a decision denying the applicants enrollment; that thereafter, on May 20, 1904 (I.T.D.222-1904) the Department remanded the case for further testimony. The record further shows that the applicants, George B.Duffin, Joshua Duffin, Moss and Eliza Keys were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken

out of the Cherokee Nation during the war and that they did not return thereto on or before February 11, 1867; that the other applicants were born since 1866, are descendants of Sarah Moss and Joshua Duffin, and possess no rights to enrollment other than as such descendants.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

D.C.52116 COPY J.Y.Jr.

DEPARTMENT OF THE INTERIOR, LLB

I.T.D.8194-1905. WASHINGTON.
8525- " November 26, 1906.

LRS.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 11, 1905 (Land 47225), the Indian Office transmitted the record in the matter of the consolidated applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Sa mantha Moss, Rutherford Moss, Elmira Moss, Dwight Lyman Moss, Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin, and George Nathan Moss as Cherokee freedmen, including the decision of the Commission to the Five Civilized Tribes, adverse to the applicants.

The Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys ofor the applicants filed a motion for review of said decision.

There appears to be no proper reason for granting said motion and it is hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motion for review, have been sent to the Indian office for its files.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc.and 3 to Ind. Of.

Cherokee Freed.
D 505, et al.

Muskogee, Indian Territory, December 5, 1906.

Blue & Bulger,

Attorneys for George B. Duffin, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of George B. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and your motion for review of said case, filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.W-1.
S.W.

Acting Commissioner.

Cherokee Freed.
D 505, et al.

Muskogee, Indian Territory, December 5, 1906.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of George B. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of said case filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl. W-2.
S.W.

Cherokee Freed.
D 507.

Muskogee, Indian Territory, December 5, 1906.

Eliza Keys,

Wimer, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of your case filed by your Attorneys September 7, 1905, denied.

Respectfully,

S.W.

Acting Commissioner.

Cher. Fr. R- 912

Cher. Fr. R- 912

Trans. from Cher. Fr. D 509

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 5,1901.

In the matter of the application of Joshua Duffin for the enrollment of himself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Joshua Duffin.
Q How old are you? A, I judge I am about 49 or 50.
Q What is your post-office address? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q Are you a recognized citizen of the Cherokee Nation? A No sir.
Q Is your name on the authenticated roll of 1880? A I am not on that roll.
Q Is your name on any of the rolls? A Yes sir.
Q What rolls? A It is on the Kern-Clifton roll I know, I don't know whether it is on any other roll or not.
Q You apply for enrollment as aCherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A I have got a boy.
Q You want to enroll a boy besides yourself? A Yes sir.
Q Your son? A Yes sir.
Q Is his mother living? A No sir.
Q What is your son's name? A Frank.
Q How old is Frank? A About 16 or 17 years old I guess.
Q Frank Duffin? A Yes sir.
Q Did you draw Strip money for your son Frank? A Yes sir.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 183 #4487 Josh Duffin, Cooweescoowee District;
page 183 #4488 Frank Duffin, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified nowhere thereon.

1896 census roll of citizens of the Cherokee Nation examined and applicants ~~in~~ not identified thereon.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 109 #2325 Josh Duffin, Cooweescoowee District.

Q Were you a slave before the war? A Yes sir.
Q Who did you belong to? A I was born a slave of Doctor Thornton.
Q Were you taken out of the Cherokee Nation during the war?
A Yes sir.
Q Where to? A To Kansas.
Q What part of Kansas? A I--Why we went to Ft.Scott.
Q When did you return to the Cherokee Nation? A Why I think it was in the summer of '66 somewheres along there.
Q Have you been living in the Cherokee Nation ever since? A Yes sir
Q When were you married? A I haven't been married but about--me and my wife is parted now.
Q Well, when were you married? A I was marriedin '85 I believe it was '85.
Q What was your wife's name? A Hattie, she was a Johnson when I married her.
Q How long have you been parted? A Three years, it will be this July, parted.
Q Was Frank born after you were married? A No, he was born before.
Q You were not married to your wife when Frank was born? A Nosir.
Q Were you living with her as man and wife? A No sir.
Q Fact is that Frank is an illegitimate child? A Yes sir.
Q Have you any witnesses? A Yes sir.
Q Who are they? A I got Al Lynch and Mr. Hicks, Mose Riley and Webber.

Q Have you any other testimony to give in yourself about other than that that was given in with your brother and sister? A No I believe not.
Q You come back to the Cherokee Nation with your sister Sarah?
A Yes sir.
Q And your brother George? A Yes sir.

Examined by Cherokee Representative, W.W.Hastings.
Q How old did you say you are? A I am about 49 or 50 I guess.
Q You was a go od big boy when the war closed? A Yes sir.
Q Are you older than George, or younger? A I am older than George, a year older.
Q You remember your return? A Yes sir.
Q You know dates don't you? A Yes sir.
Q You think it was in the summer time sometime? A Yes sir, I think it was in the summer as well as I can remember.
Q You think it was in July or August? A Why I think it was somewheres along there, I wont be positive; somewheres along there though.
Q You know it was warm weather? A Yes sir.
Q Corn up at that time, it wasn't laid by? A When we come down here you mean?
Q Yes? A Oh corn was laid by.
Q Mr. Webber have a crop? A Yes sir.
Q Was it laid by then? A Yes sir.
Q Who else had a crop around here on Big Creek? A Oh I don't know, there was a whole lot of them had crops down there.
Q Name some of the rest of them? A Well there was Webber and Towers I think, and Mays.
Q You know Mr. Bill Noble? A Yes sir, I am acquainted with Bill Noble.
Q Did he help to raise your father's house the first house he made there? A No, I don't know that he did no.
Q How far did he live from you at that time? A Why Bill Noble never built up there until a year, oh it was over a year I think after I come here before I saw Bill.
Q What other Cherokees did you see around there? A Mr. Albert Morris lived up there but I didn't see him at that time.
Q He lived near there? A Yes, had built near there.
Q Have you ever been married? A Yes sir.
Q Where were you married? A I was married up here on the Verdigris not far from Lenapah.
Q You have been back to Kansas have you? A Yes sir.
Q When did you go back, howlong did you stay down here before you went back? A Why I don't know really, we went back after our things; after our plows and things, after we come.
Q Did you make a crop that year in Kansas that you came down? No.
Q You come down before crops was in up there? A Yes sir.
Q Have you ever been back to Kansas to work any considerable length of time since you come down here; what's the longest you have been back in Kansas since you come down here as you state?
A I couldn't tell you; I worked on the Brick Y ard at Chetopa a while.
Q Have you ever been up there since you and your wife married?
A No sir.
Q How longhave you lived continuously now in the Cherokee Nation?
A Why continuously I have lived here ever since I come.
Q Well howlongis the longest you have ever worked in Kansas?
A Oh about two weeks I guess at a time.
Q That's the longest is it? A Yes sir, I think it is as well as I can remember.
Q You have been living right up on Big Creek? A Yes sir, andon

the Verdigris; my home is on the Verdigris now.

Examined by Commissioner Needles:
Q Did you ever live in Kansas with your family since you come back?
A No sir.
Q Is Hattie Johnson, your wife, a Freedman? A No sir.
Q She is a state woman? A Yes sir.
Q She has no claims to Cherokee citizenship then? A Why they put in a claim.
Q When? A Put in before the Wallace court.
Q She has never been recognized then? A No sir.
Q Where is she living? A I don't know.
Q Is she here? A No sir.
Q Did you marry the mother of Frank Johnson? A No.
Q Never did marry her? A No.
Q Your wife's name was Hattie? A Yes sir.
Q She was the mother of Frank? A No sir.
Q You never didmarry Frank's mother? A No sir.

Com'r Needles: Joshua Duffin applies for the enrollment of himself, his child Frank; the name of the applicant is not found upon the authenticated roll of 1880 or on the census roll of 1896; he is duly identified upon the Kern-Clifton roll and the Wallace roll according to page and number of the roll as indicated in the testimony,- his son Frank is identified upon the Kern-Clicfton roll; he avers that he is a brother of George B. Duffin and Sarah Moss, who have this day been listed for enrollment on D card 505 and 506 respectively; the testimony taken in said cases will be made a part of the record in the case at bar, and a copy thereof filed with the testimony now being taken for the applicant; he avers that his child Frank is an illegitimate child, and that the mother of said Frank is not a Cherokee Freedman; he makes satisfactory proof of residence, consequently, Joshua Duffin will be duly listed for enrollment as a Cherokee Freedman upon a doubtful card awaiting the further consideration of the Commission; he will be duly notified by mail as to the decision of the Commission when arrived at.

From the fact that the testimony shows that this child Frank, for whom he applies, is an illegitimate child, born out of wedlock, and his mother is a non-citizen, his application for the enrollment of his child Frank will be rejected.

---;;;---

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)M.D.Green.

Subscribed and sworn to before me this June 6th,1901.

(signed)T.B.Needles, Commissioner.

- - - - - - - -

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.

M D Green

Subscribed and sworn to before me this September 25,1903.

Edward C. Mercer
Notary Public.

DEPARTMENT
COMMISSION TO THE FI

File with C.F. D- 104 Joshua Duffin

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHEROKEE, I.T. JUNE 5TH, 1901.

In the matter of the application of Sarah Moss for the enrollment of herself and eight children as Cherokee Freedmen; said Moss being sworn and examined by Commissioner T.M.Needles, testifies as follows:

Q What is your name? A Sarah Moss.
Q What is your age? A 43.
Q What is your post-office address? A Vinnison.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children? A Eight.
Q Are they all under 21 years years of age? A Yes, sir.
Q All unmarried? A Yes, sir.
Q Give me the names of your children? A Julia.
Q How old is Julia? A 19.
Q What is the next child? A Sanford.
Q How old is Sanford? A 17.
Q The next child? A Howard.
Q How old is Howard? A 15 years old.
Q The next one? A Samantha.
Q How old is Samantha? A 13.
Q The next one? A Rutherford.
Q How old is Rutherford? A Ten.
Q The next one? A Elmira.
Q How old is Elmira? A Six.
Q The next child? A Willie.
Q How old is Willie? A Four years old.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Richard Moss.
Q Is he a citizen? A No, sir.
Q Are these children that you have enumerated here all living at this time? A Yes, sir.
Q Are they all named Moss? A Yes, sir.
Q Is Richard your first husband? A Yes, sir.
Q You his first wife? A Yes, sir.
Q What relations are you to George W. Duffin? A Brother.
Q What is your father's name? A Nathan.
Q Is he living? A No, sir
Q What was your mother's name? A Frances.
BY MR. SMITH, of Counsel for Applicant:
Q How old are you? A 43.
Q Were you a slave? A Yes, sir.
Q Did you belong to the same person your mother did? A Yes, sir.
Q Who did you belong to? A Doctor John Thornton.
Q Was he a Cherokee? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Citizen here in the Cherokee Nation? A Yes, sir.
Q Where were you living at the time of the Civil War closed?
A I was living down here in Going Snake, that is what they told me.
Q Have you a sister? A Yes, sir.
Q What is your sister's name? A Eliza Keyes.
Q Is she older or younger than yourself? A She is younger.
Q How much younger? A About 17 months I guess, or two years.
Q Do you remember when you came back to the Cherokee Nation after the war? A Yes, sir, I remember well.
Q Who did you come back with? A I come back with my father.
Q Well who else was alone if any body? A Wasn't anybody else but my brother and sister.

Sarah Moss et al 2

Q What name then ; state who they were, were they in your father's family? A At this time my father and then me and my brother, Joshua, and my sister, Eliza, and George.
Q What is her name now? A Eliza Keyes.
Q And yourself? A Yes, sir.
Q Well where have you beenliving since that time? A I have been living right on Big Creek.
Q Been living in the Cherokee Nation ever since? A Yes, sir.
Q Are those children living with you? A Yes, sir
Q Have they all lived in the Cherokee Nation? A Yes, sir.
Q Born here? A Yes, sir.
BY W.W.HASTINGS:
Q Where were you married? A I was married on Big Creek.
Q Who married you? A Squire Elliott.
Q Colored man? A White man.
Q Was every one of these children born here? A Yes, sir, every one of them
Q You are positive about that? A Yes, sir, I am positive.
Q You come back with your brother, George? A Yes, sir; I come with him.
Q You come right to the place your brother is living right there on Big Creek? A Yes, sir.
Q About eight miles from the Kansas line? A I suppose, but I don't know just how far.
Q Can you remember that trip? A I can remember some thing about it not everything.
Q Who were your nearest neighbors at that time? A There wasn't hardly anybody where we first moved.
Q Did you know William Noble or Albert Morris? A Yes, sir, I got acquainted withhim.
Q How far did they live from you? A Mr. Noble I don't know where he lived, I didn't see Mr. Noble
Q You didn't see him? A No sir.
Q Did you know Albert Morris? A Yes, sir, ; I got acquainted with him when we was here a while.
Q About how long to youthink? A Idon't know, sir, about how long I was small and didn't pay any attentionto time. I remember seeing him but I don't know justwhen.
Q Did you see anyof the Delawares up there atthat time? A I don't remember seeing any as I remember of.
Q What Cherokee citizens lived near when when you first come? A There wasn't anybody living there at all, wasn't anyone living there right in the bald prairie by ourselves.
Q How far from any colored houses? A About eight or ten miles from any colored houses.
Q Mr. Noble afterwards located near you? A Yes, sir/ Mr Brown located a white man, first, I didn't know anything about Mr. Noble for a good while

The 1880 authenticated rollof Freedmenof the Cherokee Nation examined and names of applicants not ~~xxx~~ found thereon.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicantsfound thereon as follows:
Page 182, #4476, Sarah Moss, Cooweescoowee District.
Page 182, #4478, Julia Moss, Cooweescoowee District.
Page 182, #4479, Sanford Moss, Cooweescoowee District.
Page 182, #4480, Howard Moss, Cooweescoowee District.
Page 182, #4481, Samantha Moss, Cooweescoowee District.
Page 182, #4482, Rutherford Moss, Cooweescoowee District.
Page 182, #4483 Emira Moss, Cooweescoowee District.
Page 182, #4484, Dwight Moss, Cooweescoowee District.
The Wallace roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 131, #2750, Sarah B. Moses, Cooweescoowee District
Page 131, #2752, Julia Moses, Cooweescoowee District.

BY COM'R NEEDLES:
Q Are these children all living at this time? A Yes, sir.
Q Were they all born in the Cherokee Nation? A Yes, sir.
BY MR. SMITH:
Q Where is your sister, Eliza Keyes, where does she live? A She lived right in the Territory.
Q What Nation? A In the Cherokee Nation.
Q How far does she live from you now? A She lives about eight miles from me.
Q Has she lived here ever since you all came back? A Yes, sir.
BY COM'R NEEDLES:
Q Do you recollect about how old you were when you returned?
A No, sir, I don't.
Q You were not grown you say when you came back? A No, sir.
ALLEN LYNCH, being sworn by Commissioner T.B.Needles, testified as follows; BY MR. SMITH:
Q State your name? A Allen Lynch.
Q Where do you live? A Live at Vinita.
Q Are you a Freedman citizen, citizenof the Cherokee Nation?
A Yes sir.
Q Are you on the 1880 roll? A Yes, sir.
Q Do you know Sarah Moss? A Yes, sir, I know her.
Q How long have you known her? A I have knowedhor ever since she was a little girl.
Q Did you knoe her mother? A Yes, sir.
Q And her father? A Yes, sir.
Q Who was her mother? A Her mother was named, I can't call her name; she belonged to Doctor Thornton.
Q Was he a Cherokee citizen, Thornton? A Yes, sir
Q What was this girl's mother's name? A Youasked me that but I just got it out ofmy mind not; Fanny Thornton.
Q Where were they living at the time the war commenced? A The old man, I don't know where these was living exactly, but the old man used to stay with old man Burtoff down at Tahlequah.
Q When did you first see Sarah Moss after the war? A Back in the Cherokee Nation? A I never seen her until '67, somewhere along there.
Q Did you see her father or mother earlier than that? A I saw the old man.
Q Where did you see him? A He was down to Art Williams'
Q Where was that? A On Grand river.
Q What was he doing there? A They told us they came down to look out a location; he was there resting up his horse when I saw him.
Q What was this old man's business, occupation? A Preacher.
Q Did he preach any since? A Yes, sir.
Q Did you know Eliza Keyes? A Yes, sir.
Q What kin is Eliza Keyes to Sarah Moss? A Sister
Q What is her father? A Old man Nathan Tyner wo called him.
BY W.W.HASTINGS:
Q You lived 30 or 40 miles from Big Creek didn't you? A Yes, sir, I do now.
Q You did then didn't you? A Yes, sir, I owned a place up there.
Q Not then? A No sir, but afterwards.
Q Where did Nathan Duffin tell you his family was? A His family was in Kansas.
Q First saw him there? A Yes, sir.
Q See him a day or two? A I think he was down there about ten days.
Q You testified in the case of George B. Duffin didn't you?
A Yes, sir.
BY COM'R NEEDLES:
Q Do you know when Nathan Duffin made a home in the Cherokee Nation, built a house or anything like that? A No, sir.
Q You don't know when he brought his family down? A No,sir.
BY MR. SMITH:
Q What time did he come down and you saw him on Grand river?

A Sometime in the fall, September or October.

SAM WEBBER being duly sworn by Commissioner T.B. Needles, testified as follows:

BY MR. SMITH:

Q State your name? A Sam Webber.
Q What is your post-office? A Nowata.
Q How old are you? A About 58.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Are you on the 1880 roll? A Yes, sir.
Q Do you know Sarah Moss? A Yes, sir.
Q That is the applicant? A Yes, sir.
Q How long have you known her? A I have known her ever since her father brought her there to Big Creek.
Q When was that? A That was some time, near, as near as I could remember, before Christmas, in '66, a short time before Christmas.
Q A short time before Christmas in '66? A Yes, sir, it was sometime along about that.
Q Did you know Eliza Keyes? A Yes, sir.
Q Do you know her now? A Yes, sir.
Q What kin is Eliza to Sarah? A Sisters.
Q Who was her father, Sarah Moss' family? A We called him uncle Nathan Tyner and some called him Nathan Bertoff.
Q Who was Sarah Moss' mother? A I knew her since the war, but I don't believe I can state her name now.
Q State who old man Tyner brought when he come back there in '66? A He brought his wife and two boys and two girls.
Q What boys? A George and Joshua.
Q And the two girls what were their names? A Eliza and Sarah.
Q Where has Sarah Moss been living since you first knew her up there in '66? A She lived on Big Creek.
Q How far does she live from you? A Tenor twelve miles; away up the creek maybe more than that, too; there up the creek there, up Big Creek.
Q Where has Eliza Keyes been living since that time; since you saw her in '66? A After she married John Keyes she was around; I doesn't know just where they located, I think they lived a while on; I won't be certain, I don't know where John Keyes lived.
Q How old was she when she married? A I don't know.
Q Where did she live up to the time she was married? A Lived with her father there on Big Creek.
Q Where did Sarah Moss live up to the time she married? A Lived with her father.

BY MR. HASTINGS:

Q Mr. Webber, where did you live in the fall of '66? A Lived on Big Creek.
Q How far from where these people located? A When they first come down and built a little house for the old man and woman that lived with us, old Uncle Sias and Aunt Rhoda, they lived in the house by me.
Q Old Man Duffinger? A Yes, sir; and he went up the Creek and got him a claim and built there.
Q How long before he built his place up the Creek? A He was workin on the place there.
Q Why didn't you testify for these people five years ago? A They didn't ask me.
Q You knew about it? A I could testify for them if they had asked me.
Q How many people came in that fall? A Yes, sir; lots of people came in that fall; they were dropping in all the fall.
Q You can remember distinctly when certain people came in there 35 years ago? A I remember them because the old man was a preacher and lived right there in my house.
Q Did William Noble live on Big Creek? A I don't know anything about him.
Q You deny that William Noble helped put up his first house?
A I don't know anything about that.
Q Well, Albert Morris was living there? A He didn't live there.

Q Well, Albert Morris, was living there? A He didn't live there.
Q You are the man that testified that you come down here with your father in1865, and went to Fort Gibson? A Yes, sir.
Q And a delegation composed of your father and some of them went up to see Chief Downing? A Yes, sir.
Q You said you stayed at Fort Gibson three or four weeks?
A I don't remember just how long I stayed; we stayed there a while and went on up on Verdigris and wintered.
Q You testified that you went up on the Verdigris and wintered in 1865? A Yes, sir.
Q Now who was along with you during that winter of 1865?A Jess Brown, Lon May, John Stopp, Toby Drew and son and one woman.
Q Are any of them alive now?A There is one womanalive.
Q What is her name?A Her name at that time was Sallie French, and her name now is Sallie Wright.
Q Was she the only woman in the crowd?A Yes, sir.
Q Was she married? A Yes, sir.
Q Who was her husband then? A Me, I got her at Fort Gibson ; my first woman.
Q Well you went down there in the fall of '65? A Yes, sir, took herup with me.
Q I believe you testified that you people come down there in the last of July or August and put up houses? A Yes, sir.
Q And that you permanently moved down there in the fall of '65?
A Yes, sir.
Q Did you have more thanonce house built when old man Duffin come?
A Built a little shanty for the old folks, we couldn't all stay in the house.
Q What relation are you to these people?A None.
Q You didn't marryinto their family? A No, sir.
Q They have not married into your family? A No, sir.
Q Don't you belong to a Committee thatis appointedby those people up there?A I aint on no Committee.

SARAH MOSS, the Applicant, re-called;

EXAMINED BY MR. SMITH:

Q Have you a place in the Cherokee Nation?A Yes, sir.

W.W.HASTINGS: Comes now the Representatives of the Cherokee Nation and object to the question for the reason that even if the applicant is a trespasser in violation of the laws of the Cherokee Nation, it would be no indication that she returned and complied with the provisions of the Treatyof 1866.

Q How long had you had that place? A I have had that place 20 years, 22.
Q How long?A I have beenon my place about 22 years.
Q Have you ever gotten any permits from the Cherokee Nation?
A No, sir.

COM'R MEEDLES:

Sarah Moss applies for the enrollment of herself and eight children, to-wit: Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie. Her name cannot be found upon the Authenticated roll of 1880 or the census roll of 1896. She is duly identified up on the Kern-Clifton roll and Wallace roll. The names of her children with the exception of the youngest, Willie, are duly identified upon the Kern-Clifton roll. She avers that she is a sister of George B. Duffin, who was listed for enrollment on this dayon Doubtful card #505, and the testimony taken in the case of said George B. Duffin will be made part of the record in this case and a copy of the same will be filed with the testimony now being taken. She makes satisfactory proof as to residence and she and her children as enumerated hereinwill be listed for enrollment as Cherokee Freedmen on a doubtful card. It will be necessary for her

Sarah Moss et al 6

to file with this Commission satisfactory proof of the birth of her youngest child, Willie, whose name does not appear upon any toll. She will be duly notified of the decision of the Commission when the same is arrived at.

---oooOOOooo---

J.O.Posson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

(signed)J.O.Posson.

Subscribed and sworn to before me this 8th day of June, 1901.

(signed)T.B.Needles,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this September 11th, 1901.

Commissioner.

File with C. F. D-309 Joshua Duffin

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 5th, 1901.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee Freedman; said Duffin being sworn and examined by Commissioner T.B.Needles, testified as follows

Q What is your name? A George B. Duffin.
Q How old are you? A I was born in '51.
Q Well how old would that make you? A 49 I guess, about 49.
Q What is your post office? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever been recognized by the Cherokee authorities?
A I have been voting and issuing permits.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on anyof the rolls of the Cherokee Nation? A It is on the Kern and Wallace roll.
Q Who do you want to enroll? A None but myself.
Q What is your father's name? A Nathan.
Q Is he living? A No, sir.
Q What is your mother's name? A Francis Duffin.
Q Is she living? A No, sir.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 110, #2345, George B. Duffin, Cooweescoowee District.

Q Were you a slave, Mr. Duffin before the war? A Yes, sir.
Q To whom did you belong? A Dr. John Thornton.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Fort Scott, Kansas.
Q Who took you out? A The United States troops.
Q Were you a soldier? A Yes, sir; I was a child.
Q When did you return to the Cherokee Nation? A In the summer or fall of '65.
Q Where did you come to? A Big Creek.
Q Have you been living in the Cherokee Nation ever since that time?
A Yes, sir.
Q Are you married? A No, sir.
Q Ever beenmarried? A No! sir.
Q You sayyou have voted in the Cherokee Nation? A Yes, sir.
Q Had permits issued to you? A Yes, sir.
Q Who did you return with? A Just the family, we came down, father came down in the summer of '66, with quite a troop of them and selected his home and he went back and sold his crop that fall and came down and arrived on Big Creek in the fall or November of '66.
Q Who did you say your owner was? A Doctor John Thornton.
Q Did he own your father and mother? A No, sir.
Q Whom did theybelong to? A He owned mother.
Q Did your father and mother return withyou? A Yes, sir, and four children.
Q They are both dead are they? A Yes, sir.

BY W.W.HASTINGS, Cherokee Representative:

Q What was your mother's name? A Frances Duffin.
Q Do you sometimes go bythe name of George Keyes? A No, sir.
You have a sister by that name? A Eliza Keyes.
Q You have another sister Sarah Moss? A Yes, sir.

George S. Duffin, 2

Q When you came back you came to Big Creek? A Yes, sir, when we moved.
Q What part of Big Creek was it? A Near the head of Big Creek, near about eight miles fromthe Kansas line.
Q How far is that from Snow Creek? A About ten miles, east ten or 12 miles.
Q Any other family come with you except yours? A No other family.
Q You came right there and locatedfirst? A Yes, sir.
Q Who was living around there atthat time? A On Big Creek?
Q Yes. A Well, there was Andy Dougherty.
Q Was he a Freedman? A Yes, sir; Daniel Sanders, Mike Sanders, and Sam Webber.
Q They were all living on Big Creek were they? A Yes, sir; some of them in houses and some partly in tents and so forth.
Q They had come before you? A Yes, sir.
Q Had they made a crop there thatyear? A They had some little patches killed out.
Q Had corn in them? A They had gathered what corn theyhad, it was in November when I got there.
Q Did you know Jim Martin? A Did I know him
Q Yes. A Yes, sir.
Q How far do you live from him? A I live about 12 miles from where he lives.
Q Do you know William Noble? A Yes, sir.
Q Where did he live?A He lives about four miles now.
Q How long has he lived there? A I got acquainted withhim in November in the fall of '70.
Q He was not there then? A No, sir. The place he lives on now was made by Doctor Brown.
Q Was any Cherokees living near that place when you came? A Yessir
Q From what place in Kansas did you come? A Anderson County.
Q What point? A Near Garney.
Q Did you come by way of Chetopa? A Yes, sir.
Q Through whatother towns did you pass?A In our coming?
Q Yes. A We came down through a little town that was called Osage Agency I think; thatis about the only town I remember of; we came throughseveral towns, but we came through what is known as the Osage Nation or the Osage Mission, I don't remember now; I remember there was Osage to it.
Q Did you pass by any Cherokee houses in the Cherokee Nation?
A No, sir.
Q Didn't see any at all? A No, sir; never seen a house after we left the little village of Chetopa until I come down to Big Creek.
Q You came down by way of Chetopa and then turned west? A Yessir.

Permissionis granted Mr. Edgar Smith to interrogate the applicant:

Q You state Eliza Keys was your sister? A Yes, sir.
Q And whatis your other sister's name? A Sarah Ross.
Q Who was with you when you came back from Kansas? A Just two wagons, the family.
Q Well, state who was in the family? A My father, mother, brother and two sisters.
Q What are your two sisters' name? A Sarahand Eliza and Joshua.
Q Was Sarah or Eliza older than you? A They are younger.
Q Are they both your full sisters? A Yes, sir.
Q To whom did they belong? A The sameman, Doctor Thornton.
Q Did they go out with you? A Yes, sir.
Q Come back withyou? A Yes, sir.
Q When do yousay they came back into the Nation after the war?
A In the fall of '66.
Q Where did they take up their residence; where did they live after they came back here in the fall of '66? A They lived until they became woman in the house with us and Sarah lived withus part of the time; two of her children were born right in Father's house.

Q Those two sister you have named lived with you and your father?
A Yes, sir.
Q Where was your father's house? A About eight miles from the Cherokee line on Big Creek.
BY W.W.HASTINGS:
Q Were these girls married when you come down here?A They was quite small, small children.
Q Have you ever worked in Kansas after you come down here?
A Yes, sir, I have been working a greed deal from '67, I travelled in the Ministry.
Q Are you married? A No , sir.
Q Where were you traveling in the Ministry? A All through this Nation and in Kansas, in Arkansas, until '84, father was taken sick and I was going to school.
Q Where? A Baker University, in Kansas.
Q You remember the Osage Mission? A Yes, sir.
Q You remember Chetopa? A Yes, s r; thatis what they was of Chetopa, you know there was not much of Chetopa; there wasn't but one or two stores.
Q I know it was not named until '67? A I think it was there.
BY COM'R NEEDLES: Do you own any improvements in the Cherokee Nation?A Yes, sir.
BY W.W.HASTINGS:
Q You knew that youwere not a recognized citizen of the Cherokee Nation? A Well, I don't know.
Q You knew the Cherokees didn't recognize you? A Yes, sir.
Q What did you make your home for when you knew they didn't recognize you? A I knew I wasn't a citizen if I come by the Cherokees' recognition.
Q You then went out on the public domain and took a home?
A Yes, sir.
COM'R NEEDLES
Q Do you know the reason your name is not on the roll of 1880, Mr. Duffin? A No, sir; in 1880 the census taker came to my father's house andeat supper and breakfast and thonext morning them taken all four names and I don't know what they done with them.
BY W.W.HASTINGS:
Q What was their names? A I don't know; I didn't know any Indians then only those down in Going Snake District, where I was bred and born.
BY MR. SMITH:
Q You spoke of Chetopa having one or two stores; do you know whether it was named at that time or not? A No, I don't.
Q You had reference to theplace? A Yes.
BY MR. HASTINGS:
Q You heard me say it wasn't named since you give the other testimony didn't you? A I don't remember what yousaid in that regard.
COM'R NEEDLES:
Q Now, Mr. Duffin, you passed by the place that is now called Chetopa didn't you? A Yes, sir.
Q How old were you when you passed by there?A Well I guess I was about 1 ; I think I was 14 when we came to the Nation.
BY MR. HASTINGS:
Q When did you first see Allen Lynch after the war, on Big Creek'
A No, sir, I don't remember; I have knowed him nearly all my life.
ALLEN LYNCH BEING SWORN AND EXAMINED BY COMMISSIONER T.B. NEEDLES, testified as follows:
Q What is your name? A Allen Lynch.
Q Whatis your post-office? A Vinita.
Q How old are you, Mr. Lynch? A 61 years old.

Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Name on the roll of 1880? A Yes, sir.
Q Do you know the applicant, George B. Duffin? A Yes, sir.
Q How long have you known him? A I have known him ever since he was a little boy.
Q Was he a slave? A Well, yes, sir; that is, his parents was.
Q Do you know to whom he belonged? A His father belonged to a man by the name of Turner.
Q Do you know who his mother belonged to? A His mother belonged to Dr. Thornton.
Q Well now, do you know whether the applicant was taken out of the Cherokee Nation during the war? A No, sir, I don't know.
Q Where did you first see him after the war? A The first time I saw him was down here.
Q Down where? A In the Nation.
Q Where? A I never seen this man until about '67 or '68.
Q Did you see his father and mother before that? A Saw his father.
Q When? A Saw his father in October or September, '65.
Q Where was his father living then? A His father was living in Kansas and come down here and I saw him at Art Williams'.
Q Was any other man with him? A Not that I saw.
Q You don't know whether the applicant was here in 1866 or not? No, sir.
Q You know his father was? A Yes, sir.
Q Well, have you known him ever since? A Yes, sir.

BY MR. SMITH:

Q Do you know Eliza Keys? A Yes, sir.
Q What kin is she to him? A Sister.
Q Do you know Sarah Ross? A Yes, sir.
Q When did you first see them after the war? A I never saw any of the family until after they moved down except the old man until along in '67, somewhere along in there.
Q Where were they living when you saw them? A They were living over on Pig Creek, and the old man come over there on Grand river and preached for us.
Q Whatyear was that? A In '67 or '68, and on along until he died.

BY MR. HASTINGS:

Q Allen, do you draw a pension? A Yes, sir.
Q For a wound that was inflicted during the war? A Yes, sir.
Q On the point of the left shoulder? A Yes, sir.
Q Where was that wound inflicted? A At Honey Springs.
Q Down here? A Down in the Creek Nation.
Q What year? A '64 I believe, July 18th, I think that is the time.
Q Now where did you see this man Duffin over on the Grand river? A At Art Williams' on Grand river.
Q Were they living over there? A No, sir; they were there looking around.
Q Did they go back to Kansas? A Yes, sir, they went back to Kansas

FILMORE HICKS, being sworn and examined by Commissioner T.M.Needles, testified as follows:

Q What is your name? A Filmore Hicks.
Q Post office? A Vinita.
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Do you know George B. Duffin, the applicant? A Yes, I amacquanited with him.
Q How long have you known him? A I don't know exactly how long; I have known him; I have known him 25 years I reckon.
Q Do you know whether he was a slave before the war? A No, sir, I don't.
Q Do youknow whether he was taken out of the Cherokee Nation during the war? A No, sir.

George B. Duffin 6.

Q When did you first see him after the war? A I met him about '73 or '74.
Q Did you know his father? A Yes, sir, I knew his father.
Q And his mother? A No, sir, I didn't know his mother.
Q Where did you first see his father after the war A On Grand river at Lynch's prairie.
Q Whatyear? A '66.
Q Did he have his family with him? A No, sir.
Q Did you see any other members of his family, his sisters?
A In '66?
Q Yes? A No, sir.
Q Didn't see anybody but the old man? A No, sir.
BY MR. DUFFIN, the applicant:
Q I would like to ask Mr. Hicks before this Commission what was father's business down in '66? A Well I saw him up there at Lynch's and he was talking about looking out for places him and Tom Leyfield together looking for locations.
BY MR. HASTINGS: He went on back to Kansas? A I suppose so.
COM'R MEEDLES: Q How do you know? A I don't know.
Q Did you testify for Aaron Martin? A Yes, sir.
Anderson Lynch, commonly known as Crap Lynch, testified for him?
A No, sir, I don't think he did.
Q Didn't Aaron Martin promise to give you and Anderson Lynch a mule to testify for him? A Promised to pay.
Q What? A Yes, he paid us for it
Q A mule? A Yes, sir.
Q What is the mule worth? A I don't know
BY COM'R MEEDLES:
Q When was that? A When the commission was at Vinita.
Q Well, he was as good as his word and paid the mule did he?
A Yes, sir.
MOSES RILEY, being sworn and examined by Commissioner T. B. Needles, testified as follows:
Q What is your name? A Moses Riley.
Q Whatis your age, Mr. Riley? A About 51.
Q Post office address? A Chelsea.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Well, do you know the applicant, George B. Duffin? A Yes, sir. How long have you known him? A All my life, might near.
Q Was he a slave? A I never saw him when he was a slave, I saw his father.
Q His father was a slave was he? A Yes, sir.
Q Do you know whether George here was taken out of the Cherokee Nation during the war? A Yes, sir
Q Where was he taken? A Kansas.
Q Who took him? A I don't know, sir, who took him
Q You saw him in Kansas? A Yes, sir.
Q Did you know whenhe returned to the Cherokee Nation? A His father returned here the fall of '66, or somewheres along about there.
Q Did his father have his family withhim? A He didn't when I saw him.
Q You say his father didn'thave his family with him? A No, sir, his father was at my father's house.
Q When did you first see George? A I knew George a little before Christmas.
Q Little before Christmas? A Yes, sir.
Q What year? A The same winter.
Q The same winter that you saw his father in the summer? A No, sir. I saw his father, I never saw his father until the winter.
Q When did you see George? A I saw him the same winter, saw him on Big Creek.
Q Do you know whether the was '66 or '67? A Winter of '66.
Q Was his father keeping house there? A Yes sir. his father was

keeping house.
Q. George was one of the children? A Yes sir.
Q George was a minor; was he under 21? A Yes, sir.
BY W.W.HASTINGS:
Q Now, you are a son of Riley Mc Nair? A I guess so that is what I am claiming to be.
Q That is what you swore? A Yes, sir.
Q You are on a doubtful card yourself? A I expect so, I am not on the 1880.
Q You applied at Vinita and you knew it?A Yes, sir.
Q Were you present the other day when Mrs. Martin Thompson testified in your case? A Yes, sir.
Q Where did you go whenyou returned to the Cherokee Nation yourself? A Returned to the old McNair place inSaline.
Q What time did you reachthere? A In the fall, sir.
Q How old were you then? A I don't know, sir, how old I was.
Q Grown? A No, sir, I wasn't grown I know.
Q Just a boy? A Somewheros along between a boy and a lad.
Q Now, how far is Grand river from Big Creek? A Yes, sir.
Q From where you lived on Grand river to where this manlived on Big Creek: A I expect it must have been about 30 miles, I expect from where we was then.
Q Lots of other people living up on Big Creek atthe time? A Yes, sir, lots of darkies.
Q Lots of them? A Yes, sir, lots of them.
GEORGE B. DUFFIN, the applicant, re-called;
BY COM'R NEEDLES:
Q Your earliest recollection where were you? A My earliest recollection I was down here in Going Snake District about six miles they called it from Dutch Town, that is where I was born.
Q Then you recollect going to Kansas? A Yes, sir, I nevercould forget that, we left the Nation with about 50,000 soldiers, and they carried us about 20 miles horseback.
Q Now, whenyou returned did you return with your father's family? A Yes, sir.
Q Youdon't recollect whether your father had been down in the Cherokee Nation before he went back after his family or not? A Yes, sir, he came down the summer proceding the fall looking out a location.
Q Then went back to Kansas after his family? A Yes, sir.
Q Did he bring your mother? A Yes, sir; well out crops and effects there all we could haul and come on down.
Q You were quite a child then? A Yes, sir.
Q About how old were you? A It has been quite a while but I think I was about 14.
Q You have been living in the Cherokee Nation ever since? A Yessir
Q Youhave been out occasionally in the Ministry, around inthe different states? A Yes, sir, I have been in Missouri, and Kansas and Arkansas and in this Nation.
Q Have you ever established a home outside? A No, sir. I went two years to school at Baker University.

COM'R NEEDLES: George B. Duffin applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is fully identified upon the Kern-Clifton roll and Wallace pay roll. By reason of the fact that his name is not on the roll of 1880 and the further fact that his cisizenship is contested by the Cherokee Nation, George B. Duffin will be listed for enrollment as a Cherokee Freedman on a doubtful card He will be notified of the decision of the Commission when arrived at.

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George E. Duffin 8

J.O Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 7th day of June, 1901.

(signed)C.R.Breckinridge,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this September 11th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR
RESOURCES OF THE CIVILIZED TRIBES
FILED
NOV 13 1909

File with case of Joshua Duffin, C.F.-D.#509.

Supl.C.F.-D.#505.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 25th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George W. Duffin as a Cherokee Freedman, introduced on part of the Cherokee Nation:

Appearances:
Mellette & Smith, Counsel for applicant;
Mr. Hastings, of Counsel for Cherokee Nation.
(Witnesses called, sworn and placed under the rule.)

W. A. JOHNSON, being duly sworn by Commissioner Needles, testified as follows:

T. HASTINGS: What is your name? A W. A. Johnson.
Q What is your age, Mr. Johnson? A 71 years.
Q What is your post office address? A Barnett, Kansas.
Q How long has that been your post office? A Since 1858.
Q Did you know a colored man by the name of Nathan Duffin?
A Yes, sir.
Q Did you know his wife, Frances? A I don't know what his wife's name was.
Q You knew her, knew he had a wife? A I knew he had a wife.
Q Did you know any of his children? A I knew two boys, two sons, young men.
Q Do you remember their names? A I do not, I don't know that I ever knew their first name.
Q Did he have any girls you remember? A Yes, he had a couple of girls, but I don't know what their names was.
Q Well, when did you first learn to know this family? A About '66.
Q Where did they live at that time? A They lived in the vicinity of Garnett, Kansas.
Q Live on the farm? A Yes, sir.
Q Did you know what old man Duffin's occupation was?
A He was a preacher.
Q How long did they continue to live in that vicinity from 1866?
A My recollection is that they were there in the spring of '70.
Q What fixes that date as the date that you think they were there last? A That was the date in which the Leavenworth, Florence & Galveston railroad was built to Garnett, and they were there during the building of that road until it was down to Garnett, and I know that they were there from the fact that they hauled railroad ties right past my house to the road until it was finished.
Q How far did they live from you, Mr. Johnson? A About two mile and a half.
Q Did you have occasion to see them frequently? A Saw them almost ever day, that is the two young men.
Q Did any of them ever work for you? A Yes, sir, I had them chop wood for me.
Q You remember when that was? A I think that was in the winter of '67 and '8.
Q I believe you stated that you are a practicing attorney at Garnett, Kansas? A Yes, sir.
Q You also stated in another case that you had been County Attorney and Judge? A Yes, sir.
Q Up in the States of Kansas? A Yes, sir.
Q You didn't know but two boys of Duffin's? A That is all I have recollection of now.

MR SMITH: Mr. Johnson, you don't know whether the men or the boys that you knew there whose names you didn't know are the men who apply in these applications for enrollment do you? A No, sir, I do not, I haven't seen the men since they left Kansas.
Q Well, when did you last see the girls? A It was somewhere about the spring of '70.
Q Well, now, you spoke of the boys having got wood for you in '67 or '8, did you have any occasion to know anything about the girls at that time? A Nothing more than the fact that the girls were there about the house where their father lived, the man I supposed to be their father.
Q Where did they live? A They lived about two miles southeast from Garnett on the farm owned by Judge Campbell.
Q They lived out in the country on the farm? A Yes, sir.
Q And you lived in Garnett? A No, sir, I lived adjoining Garnett.
Q Did you live on a farm? A Why I lived on a small tract of land adjoining the City.
Q Well practically you lived in Garnett? A Yes, sir, my office was in Garnett and has always been.
Q When was the last time you could state that you have been at the house of these people? A I could not state that exactly, but it was sometime about the time the railroad was completed to Garnett.
Q Well, you stated that you remember seeing the father and I don't know whether you said the boys or not, working there hauling to the time the railroad came there, but did you see the girls at the same time, they weren't hauling? A No, sir, but I frequently passed the place, I have seen them around the house.
Q Who would you see around the house? A I would see some girls there.
Q How many? A Two that I remember.
Q What was the difference in their sizes? A I have no recollection now whether there was any particular difference in the sizes or not.
Q You don't know what two girls they was? A No, sir; I understood that they were Duffin's girls.
Q Were you ever at the house? A Yes, sir, I have been at the house, not in the house but I have been at the house.
Q When did you first know Duffin? A I think it was in the winter of '66.
Q Can you state positively whether Duffin was there in the winter of '66 and spring of '67? A In the Spring of-
Q Winter of '66 A Well, that is my best recollection.
Q But you can't state that positively? A No.
MR. HASTINGS: You mean to say by that that you don't know just any one time or what did you mean by that? A I mean by that that I could not be positive about just the exact time I saw him there.
Q Did you xxxx see him up until the spring of '70? A Yes, sir, I saw him frequently then.
MR. SMITH: Now, let me understand you, I want to know whether you can state positively whether he was there at all during the winter of '66 and spring of '67? A I would say he was.
Q Now, what time did you see him in the spring of '67? A I would not say just what time, there is nothing by which I could distinctly fix the time.
Q If you can't fix the time you don't know he was there?
A Well, sir, I had just come home from the army during the winter of '65, and when I came home a short time afterwards x I got acquainted with him.
Q Well, now, how long afterwards? A I could not say how long.
Q About how long? A It has been a good long time ago, about, probably it was three months.

Q That time did you get home from the army? A I got home on the day of the election in November.
Q That was in '65? A Yes, sir.
Q And you don't know within three months of that time you first got acquainted with Duffin do you? A Yes.
Q No, what time? A I say about three months after that.
Q About three months after November, 1865? A 1865.
Q Then one year from that time where was Duffin? A I could not say just where he was just one year after that.
Q Have you anything by which you fix these dates at all, or are you testifying from your independent recollection of facts?
A I am testifying from my recollection of facts, except I know that the railroad was completed to Garnett on the first day of May 1870, and that they were there then.
Q Can you state with reference to the two girls you mentioned when, before that railroad was completed, when you last met them and under what circumstances? A No, sir, I could not state under what circumstances I saw them at any time, simply see them there about the house as I would see any other lady.
Q Was there a man up there named Amby? A Hamby.
Q Hamby? A Yes, sir.
Q Did they live on his place? A I am not certain whether they did or not.
Q Do you have any recollection of their ever being on there or living on that place at all, Hamby's place, the preacher?
A No, sir.
Q Well, what do you say about that, were they on his place, or do you remember? A Not that I recollect of and I think too they were, but I am not positive about that, it has been a long time ago, and I haven't thought about those matters.
Q Did you see this man, Nathan Duffin, in October, '66?
A I could not say whether I did or not.
Q Can you state whether ix he was in Kansas during October or September, '66? A It would be my recollection that he was, but I could not fix any particular time that I saw him in the fall of '65.

Com'r Peedles: This testimony will be made part of the record in the case at bar, D-505, and also will be made part of the record in Cherokee Freedmen cases D-506, D-507, D-509, D-510.

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J. O. Bosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J O Bosson

Subscribed and sworn to before me this November 12th, 1901.

Commissioner.

Joshua Duffin
To be filed in the case of Nathan Duffin, Cherokee Freedman Doubtful 509.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Ind. T., May 19, 1902.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee freedmen.

APPEARANCES:
McIlette & Smith for applicant.
W. W. Hastings for the Cherokee Nation.

J. M. Johnson, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. J. M. Johnson
Q. Postoffice is Garnett, Kansas? A. Garnett, Kansas.
Q. Age is 50? A. 50.
Q. You have been a resident of Garnett since '59? A. Yes, sir.
Q. Did you know a colored man up there by the name of Nathan Duffin? A. I did, yes, sir.
Q. Did you know his family? A. I did, that is part of it, boy.
Q. Did you know what Nathan did, what occupation? A. Yes, sir.
Q. What was it? A. He was a preacher.
Q. Did you know any of his boys? A. Yes, sir, I knew George, and Joshua I think the other one's name was.
Q. Where di they live when you knew them? A. They lived about two miles and a half of Garnett.
Q. Two miles and a half of Garnett? A. Yes, sir.
Q. Well now how long did they continue to live there? A. They lived there until - they were there in the year '70, and I don't know just what time they left.
Q. They left sometime after that? A. They left after that, yes, sir.
Q. Did you see them frequently? A. Yes, sir, I worked with him on the railroad in '70.
Q. What railroad was that? A. The Santa Fe, then at that time was L. L. & G.
Q. Do you know they were there when that railroad was built?
A. Yes, sir, they were hauling ties.
Q. And that is why you fix that date? A. Yes, sir.
Q. Well did they live there from the time you first knew them up to that time? A. Yes, sir.
MR. SMITH: When was it you first knew them? A. In '65.
Q. Who did you first become acquainted with? A. The old gentleman.
Q. What year was it when you first knew George Duffin? A. The same year.
Q. What time of the year did you become acquainted with George?
A. Some time about the spring of the year I think.
Q. Well when did you first become acquainted then with the old man?
A. Nor I don't think - I think it was in the spring of '65.
Q. Well how long a time had elapsed between the time you first knew the old man until you knew the other. A. Only a short time.
Q. Well about how long? A. Probably not more than a week or ten days.
Q. How old was George at that time? A. I couldn't say; he was about my age, I think a little char.
Q. What was the old man's name? A. Nathan, yes, sir, that's what we called all of them.
Q. He was a preacher, the old man? A. Yes, sir.
Q. What was George? A. He worked around on the farm, he and the other boy.
Q. They wasn't preachers was they? A. No, sir, they were working out, hauling, teaming around, and farming.
Q. How far did he live from you, old man Nathan? A. Well part of the time he lived in a half a mile from Garnett, and part of the time about two miles and a half.

Q. From you? A. Yes, sir.
Q. Well did you remain all of the year of '65 in Kansas, in Garnett?
A. Yes, sir.
Q. Were you there all the year of '66? A. Yes, sir.
Q. '67? A. Yes, sir.
Q. '68? A. Yes, sir.
Q. '69 and '70? A. Not all the time in '70.
Q. Well what were you doing in Garnett in the same year of '65 to '67? A. Well, in the winter time I was in school; during the summer months I was working around the farm.
Q. What farm, where was your farm? A. I was farming for Spriggs and in '69 I was working on the railroad .
Q. When did you last see George Duffin? A/ We were working on the railroad, I think in '70, spring of '70.
Q. 32 years ago? A. yes, sir.
Q. Well where was old man Duffin at the time George was working on the railroad? A. I think he was living up there in the county, up on the farm.
Q. Well are you sure about that? A. Not positively, no sir.
Q. Was he in that county? A. Yes, sir.
Q. You are sure of that? A. Yes, sir.
Q. Well if he wasn't living up there on that farm where else was he in that county? A. He might have been living over there on Mandovia, an addition to the City of Garnett.
Q. You swear that he was in Franklin County, Kansas, old man Nathan Duffin, at the time those boys were working on the railroad?
A. In Franklin County, no, sir.
Q. Then what county? A. Anderson County.
Q. Anderson County, Kansas? A. Yes, sir.
Q. You are sure about that? A. No, sir, I am not so positive sure about that.
Q. Well if you are not sure about it why do you state it? A. The family left there together.
Q. Well, now what do you say; was he in Anderson County, Kansas, while the boys were working on the railroad or not? A. He was.
Q. You are just as positive about that as you are to anything else that you testify to? A. Yes, sir.
Q. Now as a matter of fact don't you know that old man Duffin and the boys both had come away from there and were down here in the Cherokee Nation, and that the boys went back up there in '70 and worked on that railroad? A. No, sir.
Q. That is not a fact? A. That isn't so.

COMMISSION: This testimony will be filed with and made a part of the record in the following doubtful freedman cases: Sarah Moss et al, D-506, Eliza Keys, D-507, Joshua Duffin, D-509, George W. Moss, D-510, and George B. Duffin, the case at bar. D-511. It appears from the records of this Commission that all of the applicants in the above named cases are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed - Arthur G. Croninger,

Subscribed and sworn to before me this 28th day of May, 1902.

Signed P. G. Reuter,
Notary Public.

Muskogee, Indian Territory, July 9, 1902.

R. A. Stevens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly copied the testimony and proceedings in the matter of the application of George B. Duffin for enrollment as a Cherokee freedman, D-511, and that the above and foregoing is a true and correct copy ~~of~~ thereof.

R. A. Stevens

Sworn to and subscribed before me this 9th day of July, 1902.

B O Jones
Notary Public.

COMMISSION

FILED

AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17808, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Joshua Duffin, D 509;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

Notary Public.

Cherokee Freedmen D-505,
et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JULY 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications for the enrollment of GEORGE B. DUFFIN, SARAH MOSS, ET AL, ELIZA KEYS, JOSHUA DUFFIN, GEORGE W. MOSS, and FRANK DUFFIN as Cherokee Freedmen.

It appears that on June 4, 1904, the applicants, their attorney and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its office in Muskogee, Indian Territory, on June 1 , 1904, and then and there introduce further testimony touching the points mentioned in said letter, and on June 18, 1904, this case was continued by agreement until this July 16, 1904, when the following testimony was introduced.

APPEARANCES:
The principal applicants present in person and by attorney R.V.Blue.
Cherokee Nation by its attorney, James S. Davenport.

GEORGE W. LYNCH being first duly sworn, testified as follows on behalf of the applicants.

By the Commission:
Q What is your name? A George W Lynch.
Q How old are you? A I was born December, 1852.
Q What is your postoffice address? A Vinita.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know George B. Duffin who has applied for enrollment as a Cherokee freedman? A Yes, sir.
Q Do you know Sarah Moss? A Yes, sir.
Q Do you know Eliza Keys? A Yes, sir.
Q Do you know Joshua and Frank Duffin? A I know Joshua but I don't remember Frank.
Q Do you know George W Moss? A Yes, sir.

By Mr. Blue:
Q Did you know Nathan Duffin? A Yes, sir.
Q Where and when did you first see him? A I never saw him in my life until '67.
Q What time in 1867? A It was about the first of February, '67.
Q Where did you see him? A On Big Creek.
Q About how far from the Kansas line, south line of Kansas? A Making an estimation I think it was somewheres from six to seven miles.
Q In what direction from the Kansas Line? A South of the Kansas line.
Q You saw him at that place, did he have a house or place to live in there? A He had kind of a rough double log house.
Q What time of the day were you there at his place? A We got there very early in the morning, before they had eat breakfast.

Q Who was with you at that time? A A man by the name of Art Williams.
Q Was he a white or colored man? A Colored man.
Q Where were you going at that time? A He was going there, but I was enroute to enlist in the Army.
Q Did you proceed on and enlist in the Army? A Yes, sir.
Q What regiment did you enlist in? A Company C, 10th Cavalry.
Q At what place? A I went to Fort Leavenworth.
Q Do you remember the date of your enlistment? A No, sir, I don't remember right now, in the Spring of '67.
Q After you saw Mr. Duffin there where did you next see him? A I never saw him any more until I went in the Army and come back.
Q How long were you in the Army? A I went in in '67 and come out in '72.
Q How soon after you came out of the Army did you next see Mr. Duffin? A I judge it was about along in '73.
Q Where did you see him? A I saw the old man first, after I come back over on Grand River, with an old preacher by the name of Rider, they were over there at a meeting?
Q In what Nation? A Cherokee Nation.
Q What was Nathan Duffin's business ? A He was a preacher.
Q Do you know George Duffin? A Yes sir.
Q When did you first see him if you remember? A I first saw George when Art Williams and I went to the cabin that morning and got breakfast.
Q That was in 1867? A Yes, sir.
Q Who else of the Duffin family did you see there at that time? A As well as I remember I saw two boys and two girls.
Q Did you afterwards ascertain who they were? A Yes, sir.
Q Who were they? A It was George and Joshua and Sarah and Eliza.
Q George and Joshua and Sarah and Eliza who? A Duffin's, always known as Duffins, sometimes called Tyner, I don't know where that name come from.
Q Do you mean by that that Nathan Duffin was sometimes called Tyner? A Yes, sir.
Q By what name does Eliza Duffin now go? A By Eliza Keys.
Q How about Sarah Duffin, by what name does she go now? A By the name of Sarah Moss.
Q Did you see Eliza Keys after 1867, when you first saw her there at her father's house? A Yes, sir, frequently since that.
Q Have you seen Sarah frequently since that, too? A I saw her now and then, but not as often as I have Eliza, but I have seen her several times since that.
Q How long did you remain at Nathan Duffin's cabin in February 1867 when you went there? A Ate breakfact, sat around there an hour or two and talked.
Q Then what did you do? A Art showed me how to go down the creek, where my grandfather was living down there, and some more folks, and he went on his way.
Q Did you go on yours, too? A Yes, sir.

By Mr. Davenport:
Q As I understand you, Nathan Duffin, together with George, Joshua Sarah and Eliza, was living in a double log house in Ceoweescoowee district about the first of February, 1867? A Yes, sir.
Q Did you have any conversation with Nathan Duffin at the time you were there as to where he went during the war? A No, sir, had no conversation with him at all; it seems that him and Art Williams were acquainted and I listened to them talk.

Q Did you hear any conversation between them as to where the Duffin family went during the war? A No, sir.
Q There was nothing passed then between Art Williams and Nathan Duffin as to whether or not Art had left the Cherokee Nation during the war or that Duffin and his family left? A If I did I Don't remember it.
Q After this time you claim you saw them there in 1867 it was five or more years till you saw them any more? A It must have been six years.
Q It was after you came out of the Army? A Yes, sir.
Q Were they living on the same place when you saw them again? A I didn't come back on the same place; I saw the old man and the boys frequently, but not at their homes.
Q Have you since that time learned whether or not Nathan Duffin and his family went out of the Cherokee Nation during the war? A I don't know as I have; I have no knowledge of it.
Q You haven't learned it from any of the family? A I believe I have heard it mentioned that they went out of the Cherokee Nation during the war.
Q You have never heard them tell about having lived about Ottowa, Kansas, with old man Campbell have you? A No, sir.
Q Never heard George Lane and his brother tell about hauling Cross ties to build that railroad when it built into Ottowa, Kansas? A No, sir.
Q Have you ever talked with them about their taking a lease from old man Campbell for clearing out a peice of land, near Garnett, Kansas? A No, sir, I have never heard of that.

GEORGE CAMPBELL, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

By the Cherokee Nation:
Q What is your name? A George Campbell.
Q How old are you? A 58.
Q What is your post office address? A Garnett, Anderson County, Texas.
Q Are you a citizen of the United States? A Yes, sir.
Q Do you know the applicants in this case who have applied here to be enrolled as Cherokee freedmen, George B. Duffin and Joshua Duffin, and Sarah Moss, et al.? A I used to know them, but I haven't seen them for a good many years.

By Mr. Davenport.
Q Mr. Campbell, how long have you lived in or near Garnett, Kansas? A Ever since 1856.
Q Where were you living with reference to Garnett, Kansas, in 1865? A The latter part of 1865 I lived 2 1/2 miles east.
Q Of Garnett? A Yes, sir.
Q Did you know a family of colored people there in 1865 by the name of Duffin? A Yes, sir.
Q Do you remember the name of the old gentleman? A Yes, sir.
Q What was his name? A Nathan.
Q What was his business? A He farmed and he preached.
Q Where did he live when you first got acquainted with him? A The first I knew of them they lived on a place right west of us, adjoining us, Gibson.
Q Gibson place? A Yes, sir.
Q After you got acquainted with them, where did they live? A On my father's place; leased some land there for three years.

Mr. Blue: We object to that as not being the best evidence.
Commission: Objection noted.

Q What was your father's name? A J. Y. Campbell.
Q How long did the Duffin family live on your father's place after they moved there? A I think they lived there three years but; they were they in 1868, I know.
Q What makes you remember they were there in 1868? A

Mr. Blue: Objected to as incompetent, immaterial and irrelevant.
Commission: Objection noted; witness will answer.

A Well, in 1867, July 4th, I enlisted to go out on the plains in the Army, and they were there when I come back, and I farmed with them the next summer.
Q Did you work on the same farm that belonged to your father that the Duffins lived on while working your father's farm? A Yes, sir.
Q You were then about how old? A About 22.
Q Do you remember the names of the family of how many there were in the family? A There were two boys and two girls and the father and mot the mother, six.
Q Do you remember whether there were any other children?
A I don't know.
Q Do you remember the names of any of the children? A One was named George, and I think the others name was Frank.
Q Do you know the girls' names? A One was named Eliza and I don't know the other name.
Q Have you ever seen the boys or the old gentleman since that time? A George was at my house once since then.
Q When did they move from your father's place? A I just can't tell you just when they moved away.
Q They were there the crop year, the last year you remember? A '68
Q They were there in July in 1867? A No, they lived on the Gibson place at that time.
Q In the neighborhood? A Yes, sir.
Q From the time you got acquainted with them in 1865 up to 1868, had they moved out of the neighborhood? A No, sir, they hadn't moved out.
By Mr. Blue:
Q In what regiment did you enlist to go on the plains? A 13th Kansas.
Q Was that the regiment that was raised in Kansas for Indian service after the war? A Yes, sir.
Q Col. Crawford was Col.? A No, sir, he was Col. of the 19th.
Q Who was Col. of the 13th? A I don't have none.
Q Who commanded it? A Major Moore.
Q Where did he reside? A At Lawrence.
Q Is that the Mr. Moore that was afterwards elected to Congress from the second district? A Yes, sir.
Q How long were you in the service of the 13th Kansas? A I enlisted for five months, but got out; went in in July and got out in December.
Q Went out in July of 1867? A Yes, sir.
Q Did you serve with the 19th Kansas? A No, sir.
Q In what troops did you serve? A We served with the 10th Cavalry.
Q 10th colored Cavalry? A Yes, sir.
Q Who commanded it? A A man by the name of Arms.

Q He commanded your battalion all the time you were out? A Yes, sir
Q When did you enlist in that regiment? A In July, 1867.
Q What time in July? A 4th of July we enlisted; mustered in the 15th of July.
Q Where did you enlist? A Garnett.
Q Who was the officer that enlisted you? A Johnson, I think.
Q What Johnson? A Col. Johnson, or Captain Johnson.
Q Alex? A Yes, sir.
Q Did Alex serve in the 15th? A No sir, we were under Captain Jennings of Ottawa.
Q You say you knew Nathan Duffin? A Yes, sir.
Q Where did you first meet him? A I first met him at Garnett.
Q At what place? A Right east of Garnett.
Q Whereas that? A In 1865.
Q What time in 1865? A Must have been about the first of september, I didn't come until the latter part of August.
Q Did you serve in the Union Army before that? A Yes, sir, in the 2nd Kansas Cavalry.
Q Is that Cloud's regiment? A Yes, sir.
Q When did you come back from the service in the 2nd Kansas after the war closed? A Yes, sir, mustered out at Lawrence.
Q Then? A 18th of August, 1865.
Q Then where did you go? A I came right home to Garnett.
Q You saw Nathan Duffin after that? A Yes, sir.
Q Where did you say he was, on whose farm he was on? A A man by the name of Gibson.
Q His first name? A John.
Q Where is Gibson now? A He is dead.
Q Did he ever hold any official position in Anderson County, Kansas? A Not that I know of.
Q When you saw Nathan Duffin out there what was he doing? A Farming.
Q What kind of a house did he live in? A Board house; boarded up and down, on Gibson's place, and built a log house on our place.
Q On Gibson's place he was living in a board house? A Yes, sir, in what they sometimes called a Yankee frame.
Q Was that the main house on the farm? A No, sir.
Q Who lived in the principal house on the place? A Gibsons.
Q That was the owner of the land? A Yes, sir.
Q How much of a farm did Gibson have there? A I think 120 acres.
Q Did the old man have a team, old man Nathan? A Yes, sir, he had a team, I think he had two.
Q Were you ever in the house he lived in while he was living in it? A No, sir.
Q The old man was a preacher, wasn't he? A Yes, sir.
Q In the practice of his profession he went from place to place, didn't he? A I don't think he went around much.
Q Do you know anything about it? A I know he preached.
Q You don't know whether he went off and preached? A No, sir, I don't know.
Q Did you ever go up to the Gibson place to see what kind of crops they had? A Yes, sir, I have been around that way.
Q What kind of crops did the old man tend there? A I don't know, it was late in the season when we come home.
Q You don't know much about the crops? A No, sir.
Q That was in 1865? A Yes, sir.

Q Do you know anything about what he did in 1866? A He farmed on my father's place.
Q What was your father's name? A Jim Campbell.
Q Where is your father now? A He is dead.
Q How long has he been dead? A 10 or 15 years.
Q In what kind of a house did Nathan Duffin live on your father's place? A Log house.
Q Old or new one? A He built it, himself.
Q When? A In the fall of 1866, late in that winter.
Q Of 1866? A Yes, sir, I think he built it that winter.
Q How close was it to the principal house on the place? A About a quarter.
Q Were you in that house while Nathan lived there? A Yes, sir, I think so.
Q More than once? A I don't know how many times.
Q You're not positive? A No, sir.
Q So it there where you said he had two boys and two girls? A Yes sir.
Q Would you know either one of them if you were to see them again? A I don't suppose I would.
Q How long has it been since you saw either of them? A I don't recollect seeing them since 1868, any except George.
Q When and where did you see George.? A He come to my house in Garnett.
Q When was that? A I don't know how long that has been; I don't recollect; quite a while ago, though.
Q How long did he stay at your house when he came? A Not but a little bit, few minutes.
Q Did you talk with him? A Yes, sir.
Q You are not positive as to how long ago that has been? A No, sir.
Q You say he cropped down there in 1866, built a house on your father's place in 1866? A Yes, sir.
Q Who cropped there? A Nathan Duffin.
Q Was he there all the time? A I couldn't tell you that; whether he was or not.
Q Was he there in 1867? A Yes, sir.
Q Was he there all the year of 1867? A I can't tell you; I was away five months.
Q Five months of 1867? you were not there? A Yes, sir, that was from July to December.
Q Where had you been living the fore part of 1867, there at home on that place? A Yes, sir.
Q What were you doing there then? A Farming.
Q What were you doing in January of 1867? A I don't know.
Q What were you doing in February of 1867? A I expect we were clearing land.
Q You haven't any definite recollection about that? A No, sir.
Q That has been a good while ago? A Yes, sir.
Q Just after the war? A Yes, sir.
Q You say that Mr. Nathan Duffin was there in 1868? A Yes, sir.
Q What time in 1868? A There till fall anyway; he raised his crop.
Q In what month in 1868 did he leave? A I don't know; I know he was there in 1868.
Q How do you know? A I worked for him.
Q What at? A Plowing corn.
Q You and he plowed corn together in 1868? A Yes, sir, right together.
Q What time of the year? A Long in June and July, not much in July, corn got too big.
Q You don't know what you were doing in January and February, 1867, only that you worked there on the farm? A That's all.

Q You know Nathan Duffin raised a crop there in 1868, and left in the fall of 1868? A He left in the fall or the next spring.
Q Did his sons and daughters remain there after he left? A No, sir.
Q Did they all go away together in 1 6? A Yes, sir.
Q You never saw them after that, except George at your place in Garnett county? A Yes, sir.
Q You don't know anything about them after they left there in 186? A No, sir.
Q Coming back to the Gibson place, please state what direction from the main or principal house on the Gibson place was this little house in which Nathan Duffin lived? A It was pretty near west, as well as I can recollect.
Q How far from the principal house? A Two or three hundred yards.
Q Right west? A I think so.
Q Couldn't have been southwest? A I think they had a log house in the timber, about half a mile, but I don't think the Duffins lived in that house; I think a man by the name of--- I don't remember his name-- he was a darkey, lived there.
Q You said while ago they lived in a little house, yankee frame?
A There were two families lived on this Gibson place if I remember right.
Q One in a log house? A Yes, sir, that somebody lived in.
A Duffins didn't live in that house? A I don't think so.
Q How far was this little yankee frame house from the loghouse in the bottom? A It was half a mile, I think
Q In what direction from the log house in the bottom was the yankee frame house in which they lived? A It was north.
Q Do you know who built that log house? A No, sir.
Q Are you sure that that log house was on the Gibson place? A Yes
Q Are you sure that this little frame house was on the Gibson place? A Yes, sir, I know it was.
Q Are you know that the principal house on that farm was also on what you call the Gibson place? A Yes, sir.
Q Then all three were on the Gibson place? A Yes, sir, there were three houses on it.
Q You speak about these parties having a lease there on your father's farm, are you positive about that? A I never seen the lease, but that was my understanding.
Q Isn't it a matter of fact that a man by the name of Mayfield had that lease? A Mayfield had a lease, too.
Q Isn't it a fact that they never had a lease on your father's place? I don't know that was my understanding.
Q Then you don't know of your own personal knowledge? A No, I know------
Q Isn't it a fact that they lived in a little room built up against the house that Mayfield lived in? A They lived in the log house, I think it was a double house.
Q Are you sure that the house you say they lived in was on your father's farm? A Yes, sir.
Q You are positive about that? A Yes, sir.
Q Are you positive that they lived on Gibson's farm at any time?
A Yes, sir, I think they are the same people.
Q Isn't it a fact that it was Mayfield that lived on the Gibson farm and that the Duffins didn't live there at all? A I got them mixed if it wasn't them.
You don't know absolutely of your own knowledge, do you, Mr. Campbell? A That is my opinion.
Q But as to the fact you are not certain, are you? A I am pretty certain, yes, sir.

Q If it turns out that they never did live on it, you are mistaken, then? A I would be, yes, sir.
Q I ask you again if it wasn't the Mayfields that lived on the Gibson place and Duffins never lived there? A I don't think the Mayfields lived on the Gibson place.
Q But if they did you are mistaken? A Yes, sir, without they all lived there like they did down below.
Q Isn't it a fact that Mr. Mayfield took a lease on the Gibson place and there was no house at all on the Gibson place at all?
A Yes, sir, there was a house on the place.
Q You are sure of that? A Yes, sir.
Q Can't be mistaken? A No, sir.
Q What date was that? A 1865.
Q You are positive it was 1865 when you saw them what month was it?
A It must have been September.
Q Then it was the fall or winter of 1865? A Yes, sir.
Q And you are positive there were three houses on the Gibson place? at that time? A It may not havebeen at that time, but there were three houses.
Q How many houses at that time? A Three, I think, that is my recollection.
Q This log house, one frame house and the principal house? A Yes, sir.
Q What kind of a house was it? A Story and a half house; kitchen to it, facing the east, a shed kitchen.
Q Do you know what was the occasion of George Duffin's being at Garnett when you say you saw him? A No, sir.
Q Did you learn from him where he had been or was going? A I never asked him; I might have, but I don't recollect it.
Q Do you remember anything about his having gone to school at Baker University? A I believe he told me he had.
Q How long did you converse with him that day? A Not very long.
Q Do you remember what he said to you at that time? A No, sir, I don't remember what we talked about.

By Mr. Davenport:
Q Was George big enough for you to recognize him now if you should see him? A I wouldn't know him.
Q Has George had any conversation with you since you have been here this time? A No, sir.
Q You have been around here with him since yesterday? A Yes, sir, but I didn't know that was him for certain.

By Mr. Blue:
Q Are you able to identify any of these people? A No, sir, not for certain; I think that is George.
Q But you don't pretend to say absolutely, that it is? A No, sir.

THOMAS FOSTER, being first duly sworn, testified as follows:

By Mr. Davenport:
Q What is your name? A Thomas Foster.
Q Where do you live? A Garnett, Kansas.
Q You are a citizen of the United States? A Yes, sir.
Q How long have you lived in Garnett? A Came there in 1865.
Q Did you know a gentleman by the name of Campbell at Garnett?
A Yes, sir.

Q Did you live with him? A Yes, sir.
Q What was his name? A J.Y. Campbell.
Q While you were living with him did you get acquainted with a family of colored people by the name of Duffin? A I did.
Q Do you know what year you got acquainted with them? A I think it was in the fall of 1866; either in the fall of 1866 or the spring of 1867, I think it was in 1866.
Q Where you were living at that time? A On Mr. Campbell's farm.
Q How many were there in family, if you know? A Must have been four or five, I don't know exactly.
Q Did you know the old gentleman's name? A I did.
Q What was it? A Nathan.
Q Did he have a wife at that time? A I think he did.
Q Did he have any children? A Yes, sir.
Q Did you know of the children's names? A No, sir, I couldn't say that I do.
Q Do you remember the sex of the children, whether boys or girls?
A Part of them girls and part boys.
Q How long to your own knowledge did he continue to live on Mr. Campbell's place? A Two years.
Q What circumstances, if anything, cause you to remember that he remained there two years? A One of the was, I remember I very often used to go there and work there with the boys or folks on the same

Mr. Blue: Objected to as not responsive.
Commission: Objection noted.

place, and another, Nathan Duffin run a big protracted meeting right close to us, and I used to attend that in 1867.
Q Do you know what year they moved off of Mr. Campbell's place?
A No, sir.
Q Do you know whether or not they were there during the crop year of 1867? A Yes, sir, they were.

By Mr. Blue:
Q Where do you reside now? A In Garnett, Kansas.
Q How long have you lived there? A Ever since 1885.
Q What is your business? A Laborer; I am in the ice business; have been for a year or two.
Q You mean you are the operator in the ice plant? A No, sir, we put up our own ice.
Q You are simply a laborer? A Yes, sir.
Q Were you a laborer when you knew these people on the farm?
A I was.
Q Were you married then? A No, sir.
Q Are you now? A Yes, sir.
Q How old were you when you knew these people? A 13 or 14.
Q Where did your parents live then? A About three miles from there.
Q Was your father living there? A Yes, sir, but they were not living together. My mother lived on her stepmother's farm.
Q Are you any relation to John Foster? A No, sir.
Q Were you born in Anderson County? A No, sir.
Q Where were you born? A In Missouri.
Q What part? A In McDonald County.
Q How long did you remain in Missouri before you moved to Kansas?
A About nine years.
Q Then you were nine years old when you came to Kansas? A Yes, sir.
Q Where did you come to in Kansas? A Leavenworth.
Q How long did you remain there? A About three years.
Q Then where did you go? A To Garnett, Kansas.

Q You mean you moved to the Station of Garnett? A No, sir.
Q How near to the Station? A About 2 1/2 or 3 miles.
Q Were you employed by Mr. Campbell to work for him? A I was born with ~~him~~ them.
Q Bound by? A Yes, sir.
Q Did you stay there all the time then? A I was there; that was my home all the time.
Q Were you there nearly all the time? A Part of the time, maybe two or three months in the year, I was hired and would be about eight miles from there.
Q For Campbell? A Yes, sir.
Q That in Anderson County? A Yes, sir.
Q You say you were about 13 or 14 years old then? A I said I was in '67 or '8.
Q Which is it? A In 1867 I was 13 years old.
Q You were nine years old when you left McDonald County? A About that.
Q Was the war going on then? A Yes, sir.
Q And you went to Leavenworth and lived there three years? A Between two and three years.
Q Then you ~~xxxxxx~~ came from Leavenworth down to the vicinity of Garnett? A Yes, sir.
Q When were you born? A August 6, 1854.
Q And this was in 1866 you say ~~yx~~ that you saw them there? A I said in 1867.
Q The first time you saw them was in 1867? A As near as I can remember, yes, sir.
Q You didn't see them there in 1866? A I would not be positive that I did.
Q You saw them in 1867, at what time of the year? A During the whole year, from the spring to the fall.
Q Were they there in 1868? A Yes, sir.
Q Were they there in 1869? A I would not be positive; I don't know.
Q Were they there in 1870? A I don't know; I wasn't there, myself. I went to Chatauqua County.
Q When? A In 1870.
Q From what place? A Centralia City, about 10 miles from my home.
Q In Anderson County? A Yes, sir.
Q When did you leave Centralia Station for Chatauqua County? A In the spring of 1870.
Q What did you do in Chatauqua County.

Mr. Davenport: Objected to as immaterial, incompetent, and irrelevant.
Commission: Objection noted.

A I farmed.
Q For yourself or someone else? A Mr. Campbell.
Q The same Mr. Campbell you said you were bound to in Anderson County? A Yes, sir.
Q Were you still bound in Chatauqua County? A Yes, sir.
Q You say you knew Nathan Duffin? A Yes, sir.
Q Did you know his wife? A I knew her, I expect, but I don't know her name.
Q Were you ever in his cabin? A Yes, sir, I have eaten meals there.
Q Where was his cabin? A Right south of where we lived on the farm.
Q On Mr. Campbell's farm? A Yes, sir.

Q When did the Duffin's move to the Campbell's farm? A I am not positive whether it was 1866 or 1867.
Q Were you there? A I was.
Q Did you see them move in on the place? A I can't answer.
Q Do you know? A I don't.
Q You are not able to say that you saw them move there? A No, sir, I couldn't say that I saw them move there.
Q What family did Nathan Duffin have at that time? A It was four or five in the family.
Q Who were they? A I couldn't tell the names.
Q Do you remember the names of any of them? A No, sir.
Q Do you remember whether they were all boys or all girls? A Part boys and part girls.
Q How many girls? A I think two.
Q You don't know? A No, sir.
Q How many boys? A Two boys.
Q Are you positive about that? A Yes, sir.
Q Do you remember their names? A No, sir.
Q What was the business of Nathan Duffin? A Nathan, himself, farmed.
Q Did he have any other business? A He preached.
Q You say he held a meeting there? A Yes, sir, in our school house.
Q Campbell school house? A Yes, sir, some called it the Simon School house.
Q How long did that meeting last? A I think about a month.
Q You say you attended it? A Yes, sir, very regularly.
Q All the time? A No, sir.
Q Did Nathan Duffin preach there during that time? A He was the leader.
Q Any other preachers? A Yes, sir.
Q Do you remember any of them? A Yes, sir.
Q What were their names? A A white man by the name of Tolbridge.
Q Do you know where he is now? A I think in the penintentiary.
Q What makes you think he is in the penitentiary? A I heard he was and all the neighbors heard it.
Q Was there any other preachers there? A Not that I remember of.
Q You say you ate meals down there at Duffins, was ~~in their family~~ any other family living in any part of the house? A Yes, sir.
Q Who were they? A Mayfields.
Q White or colored? A Colored.
Q What kind of a house was it? A Double log house.
Q How many rooms? A Two rooms.
Q How much of a family did Mayfields have? A I don't remember.
Q Did they all live there together? A Yes, sir, in separate rooms, two rooms to the house.
Q How are you able to distinguish between the families then? A I could tell them apart.
Q Did Mayfield have any family? A Yes, sir.
Q How much of a family? A I don't remember how many.
Q Did he have any boys? A I couldn't say.
Q Did he have any girls? A I couldn't say; he had girls or boys one or the other.
Q Do you remember what Mayfield's first name was.

Mr. Davenport: Objected to as incompetent and immaterial. We are not trying the Mayfield case.
Commission: Objection noted. Witness will answer.

A I don't know.
Q What was his wife's name? A I couldn't say which one of them was named Nicey, but one of them was.

J. M. Johnson, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A J. M. Johnson.
Q How old are you? A 53 years old.
Q What is your postoffice address? A Garnett, Anderson County, Kansas.
Q Do you know the applicants in this case, George B. Duffin and his brothers and sisters? A Yes, sir; I know the boys.
Q Have you testified in this case before? A I did in the Nathan Duffin case.

By Mr. Davenport:
Q When did you get acquainted with them? A They came to our county in 1863 or the early part of 1864.
Q When did they leave that County? A Sometime the latter part of 1869, or the early part of 1870, I think 1870.

By Mr. Blum:
Q How old are you? A 53 years old.
Q Are you Alex's oldest boy? A Yes, sir.
Q What is your business? A Abstract business.
Q You used to be a travelling man? A No, sir.
Q At no time? A No, sir.
Q When you say these people came there how old were you? A I was 12 or 13 years old.
Q Did you ever visit the place where they lived? A Yes, sir.
Q Where did they live? A First at what was known as the Bales place, one mile from Garnett.
Q When was that? A In 1863 or '4.
Q Which one? A I don't know which, the latter part of 1863 or the early part of 1864.
Q Where did they next live? A On George Campbell's place, three miles southeast of Garnett.
Q How long did they live there? A Until Mr. Campbell sold the place in 1869, to Judge Spriggs.
Q Then where did they go? A I don't know.
Q What time in the year 1869 was the place sold? A Sometime in the fall.
Q What was Nathan Duffin's business? A Preacher and farmer.
Q Did he travel around and preach in different localities? Principally in that part of the country.
Q Was he off sometimes? A Yes, sir, sometimes.
Q How many members of his family? A I don't know any except George and Frank and the old gentleman and his wife.
Q That is all you know? A Yes, sir.
Q Were you ever at his place more than once? A Probably 20 or 30 times.
Q On which place? A Both.
Q Bales? A Yes, sir, and Campbell's.
Q The Bales place was near town? A Yes, sir.
Q How did you happen to go out in the country where they lived?
Q They lived on a farm that joined my uncle's place, Gibson's.
Q Did they ever to your knowledge live on the Gibson place? A No, sir.
Q That's the way you saw them? A Yes, sir.
Q You didn't make a habit of visiting them? A No, sir, except down on the creek we boys would play together.
Q You were a boy yourself? A Yes, sir.
Q Something of a boy yet aren't you? A Yes, sir, like yourself.

Q Now, as I understand you are not positive as to dates, you know them in a general way? A There are two I remember; one when they came and the other when they left the Campbell's place.
Q What refreshes your recollection as to the time they came there?
A At the time they all came there.
Q Then was that? A Some in 1863, some in 1864.
Q Some in 1862? A Not that I know of.
Q You mean the colored people from the Cherokee Nation? A Yes, sir.
Q These people never had any farm or abiding place of their own up there? A Not that I know of.
Q What they did do was to crop, as you said? A Yes, sir.
Q They didn't have any home of their own? A No, sir, they rented.
Q During the winter season especially didn't the old man travel around and hold revival meetings? A I don't know.
Q You don't pretend to say that you knew where they were all the time? A Not at all times of the year.
Q You don't make any prentention of that? A No, sir.

(Continued by agreement until July 28, 1904.)

July 28, 1904, Applicants appear in person and by attorney, R. W. Blue, and the Cherokee Nation by its attorney, James S. Davenport, and the following testimony introduced on behalf of the applicants:

MARIAH FRENCH, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Mariah French.
Q How old are you? A In my 49th years
Q What is your postoffice address? A Lenapah.
Q Are you a Cherokee freedman? A No, sir.
Q State woman? A Yes, sir, only adopted.
Q Do you know the applicants in this case, George B. Duffin, et al?
A Yes, sir.
Q How long have you known them? A About 38 years .

By Mr. Blue:
Q Did you know Nathan Duffin in his lifetime? A Yes, sir.
Q When and where did you first see him? A First on Snow Creek.
Q In what Nation and Territory? A Cherokee Nation.
Q In what Territory? A In the Cherokee Nation, this country.
Q Indian Territory? A Yes, sir, not in the Creek Nation.
Q What is your father's name? A Stephen Little.
Q Has he been married more than once? A Yes, sir.
Q Are you a daughter of his? A Yes, sir, I was always teached that.
Q Are you a daughter of his by his present wife? A No, sir, my mother I don't know.
Q When did you first come to the Cherokee Nation? A We came here in 1866.
Q Who came with you? A My father and my stepmother, and three other children, one brother and three other men, eight persons in all of us.
Q From what place did you come to the Cherokee Nation? A We came from Leavenworth County here, Kansas.
Q When did you arrive at Snow Creek in the Cherokee Nation? A On the 15th day of April.
Q Of what year? A 1866.
Q Where has your father kept his home from that time until now?
A He has been there all but one year ever since we came here; one year he stayed in Newton County, Missouri.

Q When was that? A In 1874.
Q Did he have a home here while he was in Newton County, Missouri, in 1874? A No, sir, they had sold our home; the Cherokee Nation sold our home.
Q When did he return? A That same year in January; the first of the last of December.
Q Do you know whether or not your mother is on the freedmen roll, your stepmother? A No, sir, I don't.
Q Your father has been here only that short time he was away in 1874? A Yes, sir, ever since.
Q How did you hap en to see Mr. Nathan Duffin at the time you say you did, did he come to your place where you were? A He came to our tent, we had no house then.
Q Did he come alone or with someone? A There was quite a bunch of men with him, sever or eight.
Q Do you know what was the occasion of their being there? A They were hunting horses they said were stolen.
Q Did you see him more than once at your father's place where he was stopping at that time? A Yes, sir.
Q How often did you see him about your father's place about that time? A I seen him once on Sunday, when he first come, and he went off and come back on a Tuesday.
Q Do you know what was the occasion of his coming back the second time? A He had stayed all night at a white man's house up the creek and the man wanted pay for his board, and he come back down there to get it.
Q Do you know whether or not he got it? A No, sir, I don't know.
Q Do you know either of the men that came with him at either of these times? A Yes, sir, but they are most all dead.
Q Who were they? A One was George Eaton, Lewis Beck, Sam Mosely, Santa Ann Nivens and Nose Smith thats dead, and old man Duffin, himself.
Q What was the business of Mr. Nathan Duffin, if you know in his lifetime, what occupation or profession did he have? A He was a preacher.
Q After you saw him there in 1866, as you stated, did you see him afterwards in the Cherokee Nation? A He preached for us all the time.
Q Did you have a church or place of worship thereabout? A We didn't have no churches; in the summer time we would have a large shed with brush on it; in the winter time he preached at peoples houses.
Q What, if anything, did he do in regard to establishing a home there in 1866 or '7? A After he got over there and got acquainted, I used to go to his house.
Q Were you at his house or cabin in 1866 or '7? A No, sir, not in 1866.
Q When were you first at his house? A After we had settled there, about '66, we had a school at our house, and the teacher would stay with us and they would come to school there, his children.
Q When did you first get acquainted with his children? A When they come to school.
Q That was in 1868? A Yes, sir.
Q What were the names of the children? A The oldest one was George Butler, and Joshua and Eliza and Sarah and Henry.
Q At the time Mr. Nathan Duffin came to your house in 1866, what, if anything, did you hear him say about establishing a home in the Cherokee Nation?

Mr. Davenport: Objected to as incompetent, irrelevant and immaterial, and pertaining to be a declaration in the interest of the applicant.
Commission: Objection noted.

A I never heard him say anything; he was living there.
Q Was he living in the Cherokee Nation in 1866 when you first saw him? A I guess he was; he come from over there.
Q What time was it when you first saw Mr. Nathan Duffin there in them Cherokee Nation? A We were in the tent and corn was waist high.
Q Do you remember what month it was in? A No, sir, I don't.
Q Was your father at home at that place where you had located, when Nathan Duffin came in 1866? A Yes, sir, he was there.
Q About what time in the day was it when the men that were in the party first came to your place? A It was away up in the day on Sunday and they wanted dinner.
Q Did they eat dinner there? A I helped cook dinner for them.
Q You are positive that that was in 1866? A Yes, sir, I am.

By Mr. Davenport:
Q How old are you? A I am 49; in my 50th year.
Q Where did you come from when you came to the Cherokee Nation?
Q From Leavenworth County, Kansas.
Q You hand't known the Duffin family before you claim the old man came to your place there on that Sunday? A No, sir.
Q How old were you then? A I was in my 14th year.
Q You are sure you were in your 14th year? A That is what they told me.
Q I am asking what you know? A I couldn't tell me age; it was set down.
Q Was that the way it was set down, that you didn't see him until you were 14? A I never came there, myself, until I was 14.
Q You never came to the Cherokee Nation until you were in your 14th year? A N , sir.
Q And you are in your 50th year now? A Yes, sir.
Q Are you an applicant to citizenship? A Only an adopted citizen.
Q How much land did you have in cultivation when Duffin and these men came? A We had little small patches.
Q About how much? A I don't know, may have been four acres or ten acres; small patches.
Q Who did you live near at that time? We didn't live near anyone; no one there to live by.
Q Who were the nearest people to the place you lived at the time Duffin came to your house, as you claim? A About seven or eight miles to Osage towns.
Q Were any of your family at that time claiming that they were freedmen of the Cherokee Nation? A My stepmother claimed to be a Cherokee freedman. That's what brought her here.
Q She had heard of the treaty and came back to the Cherokee Nation? A Yes, sir.
Q The treaty had been made and she heard that the freedmen by the treaty had got rights in the Cherokee Nation? A That is what she came home for.
Q Who else came with you at that time that were freedmen entitled to rights in the Cherokee Nation and came back to get the benefits of the treaty? A Wasn't any; a man belonged to the Creek Territory came, right in this town now.
Q You had been there, you say, and had a crop waist high or better before Duffin came? A Yes, sir, about waist high.
Q How long after he came was it, you say, until his family came?

Q I never seen Uncle Duffin's family at all until he brought the children over to school.
Q When was that with reference to the time you saw him? A In 1868.
Q How big was George Duffin at that time? A Good big boy, a young man.
Q The other children were good big children too, were they ?
A Liza was small had a short dress, and Sarah had a short dress.
Q Did the school teacher board at your house? A Yes, sir.
Q Who was he? A Lowhe?
Q There is he now, do you know? A No, sir.
Q Is he living? A I don't know.
Q Is there one living now that was living when you saw Nathan Duffin first on Snow Creek, when you were living there, as you claim?
A There was no ones there.
Q When he came down there, you say he came to see your father about getting some money to pay some fellow for staying all night?
A No, sir, I didn't say that.
Q When was it he came for what purpose? A He came back in a day or two afterwards.
Q A white man he stayed with? A Up on Pumpkin Creek he said.
Q Do you know who the white man was? A No, sir.
Q How far was Pumpkin Creek from Snow Creek? A I guess about 15 miles, or more.
Q Do you know anything about it? A No, sir, I don't.
Q They were hunting stolen horses the first time? A That is what they said.
Q Who was with Duffin? A George Eaton, Lewis Beck, George Higgs, Sam Mosely, Santa Ann Nivens and Moss Smith, is what they gave as their names.
Q You were a girl at that time 14 years old? A Yes, sir.
Q And you only saw this man there, yourself, one time? A Yes, sir.
Q And remember to-day the names of all of them in that crowd? A Yes, sir, because afterwards we were close neighbors and got acquainted and saw them all the time.
Q Can you remember another incident where you met the same number of people in 1866, where you can tell all the names of the parties that you saw? A Yes, sir, if necessary I guess I could tell it.
Q Name one? A They wasn't there to meet, and it was scarity to meet anyone there.
Q In a year or two after that quite a number came, didn't they?
A They came before a year or two.
Q How many got in there and were living there when you saw Duffin's family in 1868? A They come pretty fast; there was Posey Gibson, Beau Fox, Jake Ross, Joe Ross, Stick Ross and Ed Ross, all come in one bunch at one time.

By Mr. Blue:
Q Do you know anything about your age at that time, except what had been told you by your parents? A No, sir.
Q You don't undertake to swear positively that you were 14 years old then? A Nothing only what they told me.
Q You might have been less or maybe more? A Yes, sir.

Mr. Davenport: Objected to as incompetent and suggesting the answer to the witness; she stated positively her age and said it was recorded.
Commission: Objection noted.

Q Are you positive as to your age? A No, sir, nothing more than my father told me.

Q When you state that you think you are in your 50th year now, you think it from your own knowledge or what your father told you? A I said it from what he told me; I have got it set down just as he told me.
Q Are you positive that you saw this man where your father was stopping in 1866, as you have stated? A I am sure I saw them.
Q Are you positive as to the time you saw them? A Yes, sir, I am positive as to the time I saw them.

By Mr. Davenport:
Q What portion of Snow Creek was this you located on? A It would be hard for me to tell you, unless I had a map.
Q Who were your first neighbors that come in there? A Amos Adair and Woodson Lowe and old uncle Ben Alberty.
Q And you are positive you were in your 14th year at the time you moved down to the Cherokee Nation? A I don't know; that is what my father told me.
Q He gave you the date you were born? A He said it.
Q Did he tell you what year you were born in? A No, sir, he didn't
Q You were big enough to remember when you moved to the Cherokee Nation? A We had just come there.
Q You can remember the coming? A Yes, sir.

STEPHEN LITTLE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Stephen Little.
Q How old are you? A 80 years old.
Q What is your post office address? A Lenepah.
Q Are you a Cherokee freedman? A I am not.
Q Are you the father of this woman who has just left the stand, Mariah French? A Yes, sir.

By Mr. Blue:
Q When did you first come to the Cherokee Nation? A In '66.
Q To what place in the Cherokee Nation did you come? A Snow Creek.
Q You went to where you reside now? A It is about six miles.
Q How long have you resided, all together, in that neighborhood?
A All the time ever since I come here; I aint been out of here not over six months at a time.
Q You mean out of the Cherokee Nation? A Yes, sir.
Q How did you happen to come in the first instance in 1866? A I had two instances that directed me here. Irving and Jackman, traders on the Sante Fe, they got me to come down here to take some cattle, 160 head of steers, at salt lick down here to winter them, and hired me to come down here to herd them the next spring, and Irving married my old mistress' daughter, and he owned me and got me to come down to take care of the cattle, and give me $30 a month, and said being as my wife had a right here, I could do better and grow up with the country.
Q In what business was this firm of Irving and Jackman? A They were traders to Sante Fe.
Q What do you mean by that? A They carried trains across every year, 100, 200 or 300 every year, wagon trains.
Q How were those wagons pulled? A By oxen.
Q Were these cattle that you brought down oxen they had used.
A Yes, sir, and brought them here to winter until the next spring when they got fat and put them on the market.

Q When spring came did they take the cattle away? A When I got down here on Pumpkin Creek, I met a young man, what I know well, with the cattle, and Jackman was out on salt lick. Jackman had sold the cattle at Salt Lick and Irving didn't know it and got me here to take care of them, and I met the cattle going north when I come, and I come down on Snow Creek and took a place.
Q Did you bring the cattle with you to Snow Creek? A No, sir, they were in there when I seen them; Jackman had sold them to another party.
Q When you came to Snow Creek what did you do in the way of making a home? A The first thing I done I put me up a camp, put a top on it and split logs and put up a side and covered it and put in about four acres of corn that Spring.
Q On what day of what month did you reach this place where you established a camp? A In April.
Q Of what year? A '66.
Q Do you remember what day of April, 1866? A I don't; it is too long off.
Q How long did you continue at that place where you established the camp? A Seven years.
Q During the time that you were at that place on Snow Creek in the Cherokee Nation did Nathan Duffin come to your camp: If so, state all the circumstances connected therewith. A Nathan Duffin didn't come there then; there was seven men come there on the hunt of some ~~xxxx~~ stolen horses off of Big Creek, they said; I didn't know there was a colored man in 40 miles of me, for I seen nothing but the Indian Dawges, and the first thing I knowed on Sunday morning seven men rode right up there and said some horses had been stole off of Big Creek, and they went on up by Blackhawk town and, and they went on up in there and was gone until Tuesday; they went on up some creeks, higher up on the creek about the forks of Snow Creek and went on up to Big Hollow and near to where Cherryvale is----

By the Commission:
Q Were you with these men on this trip? A I wasn't with them, but they told me.
Q Then you don't know it of your own knowledge? A No, sir, only when they come back they had one horse and---
Q Just state what you know about it? A Well the next time I seen them Nathan Duffin come to my house and a man, John Lushboy, told him about me when he come to my house he wanted to get $10. for he stopped at a white man's house up there, and he thought he could stop and get up and go on, and the white man told him, "No." And he come to me and I got him $10 and I took his word of honor about paying it back.

By Mr. Blue:
Q When was that? A In '66.
Q What time in '66? A Something along, I know it was in June; the leaves were on the trees heavy.
Q Did you make any memorandum of any kind of the fact that you loaned him $10? A I didn't have to; I never would forget it; never will forget it till I die.
Q You know you loaned him $10 on that day? A Yes, sir, and he brought it back.
Q Who brought it back? A Lewis Beck.
Q When? A About three weeks, as well as I can recollect.
Q At that time, in June, 1866, did you have a crop there at that camp? A Yes, sir, had a crop there then.

Q When did you next see Nathan Duffin after you loeaned him the money? A I never had any acquaintance with him and never seen him any more until at the old Duffin place two or three years after that; I didn't know where he lived then or nothing about him.
Q In your conversation on that Tuesday, when you loaned him the money, did he say anything to you about his having a home in the Cherokee Nation? A He said he was going to be a neighbor, and said I should have the money again if God spared his life, and in about three weeks he sent the money by Beck.
Q You say you didn't seehim any more until a year or two? A No, sir, the next time I seen him he had a house up and was breaking out.
Q When was that? A Two or three years after.
Q Was that house that you speak of on his old place?' Yes, sir.
Q What business did Nathan Duffin follow? A Preached and farmed.
Q In regard to his habits, whether he stayed at one place in the pursuit of his occupation, did he preach at one location or change about? A He preached here and on Big Creek and I don't know where else.
Q Do you know anything about his preaching in the states anywhere? A I didn't; I never had seen him until I moved [illegible] but heard of him.
Q Do you know whether or not he was a slave before the war? A I heard him say---

Mr. Davenport: We object to what he heard.
Commission: Objection noted.

Q State what you know? A I don't know whether he was or not.
Q Did you ever hear him preach? A Yes, sir.
Q Did you belong to his church? A No, sir, I don't belong to any not. Protestant church.
Q Did he have a church down there in the neighborhood where he resided? A Yes, sir.
Q Did you become acquainted with his family afterwards? A The boys and girls all went to school in my house.
Q Do you know them now, the boys and girls, when you see them? A I know them as well as I know my own.
Q Can you remember the names of those children? A Yes, sir.
Q What were their names? A Joshua, Butler, Sarah and Eliza.
Q Did Butler have any other name? A I never heard any.
Q Never heard him called George? A George Butler.
Q You call him Butler? A Yes, sir.
Q But his name is George Butler? A Yes, sir.
Q When was that that the children went to school at your house? A It was about, as well as I can recollect, about '73 or '4, somewhere along there, I aint sure, about '73.
Q Who was the teacher? A A man by the name of Lowhe.
Q Do you know where he is? A I don't know, I have heard them say he is out in Colorado.
Q You don't know? A No, sir, he is as old as I am; he may be dead.
Q Do you know Judge Keys? A Ask him.
Q When did you first get acquainted with him? A That was about; I expect, pretty near thirty years.
Q How soon after you came into the Cherokee Nation did you first become acquainted with Judge Keys? A Well, I think about the second election, I didn't get acquainted with him the first election.
Q When was that you got acquainted with him? A I think it was something about '67.

Q Have you known the Judge ever since then? A Yes, sir, ever since then, I have known him.
Q Do you remember the names of any of those men that first came to y your house inquirying about the houses in 1866? A I know two.
Q Who were they? A Sam Ann Nivens and Wils Towers.
Q In regard to the school at yourhouse, are you positive about the time when that school was going on at your house, might it not have been earlier than that? A I had built two more new houses; I had been there two or three years, anyway.
Q You mean that you had been at your house two or three years? A Yes, sir, I had built two rooms and give one for the schoold.
Q Then if you went there in 1866, it was 1868 or '9, that the school was there? A It might have been, I couldn't keep that exactly in my mind.
Q Were there any other children attended that school except yours and the Duffin children? A There were lots of them, they had 40.
Q 40 children altogether? A About 40.
Q How soon after you came there in 1866 did you begin to have neighbors there? A I had some neighbors there, Ben Alberty come that fall; Jess Adair come that fall, and Wilson Lowe.
Q What was the fact about others coming soon after that? A Lots of them come soon after that; I don't recollect; they kept on coming.
Q Then the school was going on they used one of your buildings?
A Yes, sir.
Q You don't know exactly as to the time, whether it was 1868 or not?
A No, sir, I don't know exactly the time.

By Mr. Davenport:
Q Where were you, uncle, during the war? A During the war I was in the Cherokee Nation part of the time.
Q Were you anywhere else? A Yes, sir.
Q Where? A I was in the Loren time of the xxxx fight at Prairie Grove
Q Where were you when the war closed? A I was in Leavenworth with, when the war closed, I helped shoot off the guns the salute of the President's death.
Q Then and you lived prior to the war? A In the State of Missouri.
Q You met your wife at Leavenworth during the war? A No, sir, I met her right in this Cherokee Nation on Drywood.
Q Where was that? A Seven miles this side of Fort Scott, in the Cherokee Nation.
Q How far this side of Fort Scott? A Seven miles.
Q In the Cherokee Nation? A Yes, sir.
Q When was that that you married her? A In '62, '61 caught us down here in the Cherokee Nation somewheres, and I told her I would not marry any woman a slave, and when I got xxx to the Kansas line I married her.
Q You married her within seven miles of Fort Scott, Kansas, then, on the Cherokee Nation side? A Yes, sir, on Drywood.
Q You remained there until after the war? A She remained there after the war, xxx.yes, sir.
Q Then you met Irving and Jackman and they wanted you to come here and herd some cattle for them? A Yes, sir.
Q And they told you your wife had a right? A Yes, sir, she always said she had a right here; I don't know.
Q Did Irving and Jackman tell you that your wife had an interest in the Cherokee property and funds and did they tell you she ought to come back? A Yes, sir.
Q Then it was after the treaty was made that you had the talk with Irving? A Yes, sir.
Q You came to the Cherokee Nation the first crop season after the treaty was made? A I come in '66.
Q Before or after the treaty? A It was after the treaty.
Q You came in April after the treaty was made? A Yes, sir.
Q And settled on Snow Creek? A Yes, sir.

Q And have been living in that community ever since? A Yes, sir.
Q When you came to the Cherokee Nation, you had a crop planted and it was nearly waistx high before you had heard of Nathan Duffin, hadn't you? A Before I seen him, but I had heard of him.
Q He didn't come to your house until the crop was waist high or more did he? A He come there in June.
Q The same year you came in April? A Yes, sir.
Q Who came with you when you came to the Cherokee Nation, if anyone? A My son; there is a man here in town that come with him, Philip Caesar, and my brother, four of us come.
Q Did you bring your family at that time? A Yes, sir.
Q How did you travel? A I travelled in wagons, and come with Dock Bushyhead, and Dock Bushyhead's xxx boys come together.
Q Was Snow Creek the first place that you settled when you come? A Never come in there.
Q What point on Snow Creek did you come to? A Right in the forks of the creeks, Verdigris and Snow Creek.
Q Near whose place now? A The nearest place to it now is Nelson Murrell's joins it.
Q What Cherokee or white man lives near you? A None.
Q Now, Uncle near whose place now? A I don't know; I aint been there in a good while.
Q You don't live there now? A No, sir, I live five or six miles below there.
Q You don't know who owns the place you first settled? A No, sir.
Q Does Nelson Murrell's family still live on the place he settled? A Yes, sir, he is dead.
Q It was several years after you came beforeyou had this school that you speak of? A Yes, sir, two or three years, I had built a double log house and let them have one room.
Q Who was the first Delaware you saw? A I saw lots of them; couldn't remember the first.
Q Do you remember the names of any of them? A Old man Buckler, and John Jackson, Mrs. Goodtraveller and Mrs. Smith.
Q Do you know any of them that are alive now? A No, sir, they aint any of them living now hardly.
Q How far is Snow Creek from where it empties into the Verdigris river from Coffeyville? A Something like five miles below.
Q You don't know where the Duffin xxx family came from to the Cherokee Nation? A No, sir.
Q You had heard of the old gentleman as being a preacher? A Yes, sir.

(Continued until 1 o'clock, P.M.)

(One o'clock P.M., same appearances as this forenoon); Stephen Little on the stand.

By Mr. Davenport:
Q Who did you say came to your house the time you first saw Nathan Duffin? A I don't know as I reco lect seeing anybody come.
Q Who came with him, if anyone, when you first saw him? A Lewis Beck, I think.
Q Anyone else? A No, sir.
Q Who was it that came to your house before, or came that was hunting those horses they claimed were stolen? A Santa Ann Wivens and Vils Towers.
Q Then you had seen Wilson Towers in the Cherokee Nation before you saw Nathan Duffin? A I had seen him time of the war was going on.
Q I said in the Cherokee Nation? A Yes, sir.

By Mr. Blue:

Q What day of the week was it that these men came to your house inquirying about the stolen horses? A On Sunday.
Q Then Nathan Duffin came the Tuesday following that? A Yes, sir.
Q And that was the first time that you ever saw Nathan Duffin to know him? A Yes, sir, the first time I ever saw him I loaned him $10 to pay his expenses upon Pumpkin Creek to pay a night's lodging.
Q Do you mean by that that you saw him on Pumpkin Creek or to pay for the lodging on Pumpkin Creek? A He came to my house on Snow Creek.
Q To get money to pay for the lodging on Pumpkin Creek? A Yes, sir.
Q You say you were married to your present wife up at Drywood? A Yes, sir, way up there near to Fort Scott.
Q You spoke of that's being in the Cherokee Nation up there where you were married? A They called it the Cherokee Nation; I don't know.
Q Who called it the Cherokee Nation? A Them that belonged to the command said it was the line.
Q Do you know enough about that to know where the Kansas line is? A No sir, I don't know anything about that.
Q You don't then absolutely know whether it was in Kansas or in the Cherokee Nation, where you were married? A I don't know, but they all said Drywood was in the Cherokee Nation.
Q Who do you mean by all? A Everybody, the whole command said it was the Cherokee Nation.
Q What command were you with? A Col. Cloud's.
Q Did you talk with these men who had the cattle, yourself? A I talked with them myself and made the bargain myself.
Q Where were you at the time you made the bargain? A I was in Platt County, Missouri.
Q Was that before the close of the war or after? A After the close of the war.
Q How long after the close of the war? A It was the next spring? I kept the cattle for them that winter and the next spring he got me to come down here.
Q Do you know in what year the war closed? A I think I do.
Q What year? A In '65.
Q Then it was in the spring of 1866 that he got you to come down here? A Yes, sir.
Q Did you talk with both of these partners or one? A I only talked with Irving; Jackman was in Salt Lick.
Q Did you get these cattle in your possession to bring them out here? A Never got them in my possession; I come here to do so, but met them going north; Jackman had sold them.
Q Did this young man have the cattle driving them out? A Had them on the road, going up to whiskey trail, going to Leavenworth.
Q Now you are positive that it was the spring after the close of the war that you located at Snow Creek, as you stated? A Yes, sir; I come right down and met the cattle. A I stopped at the trading post and inquired how far it was to the Cherokee Nation and they told me; I come down on Snow Creek and stopped Saturday night and Sunday I went over and took this place, the first place that was ever made on Snow Creek.
Q Do you know when the treaty was made between the Cherokee Nation and the United States in regard to the sharing of property with the Cherokees by the freedman? A I don't know positive; Irving told me that I could come here and take care of his cattle; and then I would have some money, and said my wife had Cherokee blood and said how I could grow up with the country and become to be a man, and said they had so much edge over me, I couldn't do much there, and said I could grow up with the country down here and be worth something.

Q Is your wife a Cherokee by blood? A Her father is a half breed Cherokee? Q Come out of---I forget the family--- -Thompson.
Q Is your wife on any of the rolls of the Cherokee Nation? A On none of them; I went to Tahlequah when the first beginning of the Chambers court, and they told her she was doubtful.
Q And she never has been enrolled on any roll? A No, sir.

By Mr. Davenport:
Q Your mind is considerably clearer now than this morning isn't it? A I don't know.
Q You didn't have the air of man thinking this morning did you? A I don't know.
Q Haven't you talked during the noon hour with the ~~xxxx~~ witnesses in the case and all of you gone over the case together? A Me?
Q Yes, you. A I didn't talk with anybody in this case.
Q Haven't you talked with George W. Duffin and Marion French during the noon hour about this case? A No, sir.
Q Have you talked with anyone about when the war closed, during the noon hour? A No, sir, I told you to-day I was there.
Q Did you tell anybody in your examination this morning what year the war closed? A I didn't know it was asked me.
Q Did you tell anybody this morning how long you stayed in Missouri before you started to the Cherokee Nation? A No, sir.
Q Don't you now that you have talked with somebody since we adjourned at noon about how long you stayed there before you started to the Cherokee Nation? A I know I haven't.
Q You talked with Jackman and he told you to come back down here that your wife had rights here? A No, sir, not Jackman.
Q Well, Irving, then? A I said this morning that Irving told me to come down here.
Q And you came upon his suggestion? A Yes, sir.
Q And you came after the treaty was made, didn't you? A I don't know exactly whether it was after the treaty or not, but he told me my wife would have rights in this country.
Q Didn't you answer me this morning in response to the question I asked you about coming before or after the treaty, and ~~xx~~ didn't you say you came after the treaty? A I don't know.
Q Have you a good memory? A Yes, sir.
Q Do you know whether or not you answered that question that way? A I don't know.
Q You say that the first time you ever saw Nathan Duffin you loaned him $10 to pay a night's lodging? A I did.
Q You don't know where he was living at the time? A I know where he said he was going to live.
Q You didn't know when he left whether your would ever see him again A I didn't, but I told him if he was a man as he said, I would get the money and he said I would get it.
Q You had your home built at that time? A No, sir, but I had a right smart money.
Q Where was your trading point at that time? A Lushboy is where we traded, then right on the line, not the Cherokees, but the Osages.

WASHINGTON BLACKBURN, being first duly sworn, testified as follows:

By Mr. Blue:
Q What is your name? A Washington Blackburn.
Q How old are you? A I am about 67 years old, or 68.
Q Where do you reside? A Anderson County, Kansas.
Q How long have you resided in Anderson County, Kansas? A I have resided there ever since in '70.
Q Did you know Nathan Duffin in his lifetime? A Yes, sir.

Q Where did you first meet him if you remember? A I first met him in Anderson County, Kansas.
Q Did you reside there at that time? A No, sir, I just went up there to eet the church.
Q Were you acquainted with him in 1866? A Yes, sir.
Q What was his ~~ne~~ business or occupation generally then? A Preacher.
Q Where was he preaching at that time, if you remember? A Down there in Lynn County, around Mound City, I stayed all night with him many a night; he preached at Rock Point, we call it, west of Mound city.
Q Did you ever talk with him at any time about having a home in the Cherokee Nation? A Yes, sir, we have both talked together about that.
Q What, if anything did he say to you about having a home in the Cherokee Nation?

Mr. Davenport: The representatives of he Cherokee Nation onject to the question on the ground that it is incompetent, irrelevant and immaterial and an attempt made upon the part of the applicants to prove a declaration of a party through whom they claim their rights to citizenship, which would be a declaration in their own interest.

Commission: Objection noted; witness will answer.

A He was talking about it and said he was going back south where he come from and seek him a home, and I told him I was, too, and we talked about it, and said we will go right away, and I said I wasn't ready to go, and he said he was going soon, and I said I was going too after a while, and ~~then~~ after that he went home, and I went up to his house, and he was gone; they said he had gone on down south to seek a home.
Q In what year was that? A In '66, in the same year in the Spring; this was in March when he was there preaching.
Q About when was it he told you he was going south to seek a home?
A Along early in the Spring of '66, along in March, in the Spring.
Q When were you over to his place after that? A I was over there, I don't know what month whether it was August or July; wasn't anybody home but the two boys, and they said the father had gone south.
Q What were the boys' names? A One was named, I can't call his name now.
Q Have you seen any of the boys since you come here to-day? A I seen one that I took to be him by his forehead.
Q Can't you think of his name? A Nathan, I think; I ain't sure, I have a very poor recollection about calling names.
Q Is his name George? A (No response).
Q Do you remember the names of the children? A One was named George and if this is the one, I don't know.
Q Do you remember the names of any of the rest of them? A No, sir.
Q After he told you he was going south to seek a home in 1866, when did you next see Nathan Duffin? A Never saw him any more; when I went to his home, they said he was gone south, and I never saw him any more.
Q Did you know anything about the boys of the family being back up at Garnett or about there after that? A Yes, sir, I seed the boys up there, but I never saw Nathan, nor his girls after they left.
Q What were the boys doing up there about Garnett? A The first time I seed them after Nathan was gone, they were there on the farm at the Campbell's, and one I think was going to school after that.
Q Do you know where he went to school? A I don't know, up at Lawrence or somewhere.

Q How frequently did you see the boys up there about 1866? A I can't say that, because sometimes I wasn't there for two or three weeks or a month or two; I saw them a time or two after that.
Q What were they doing when you saw them? A The last I saw one of them was there seeing about going to school.
Q Do you remember when that was? A No, sir.
Q Before that time you say they were at work on Campbell's farm, what were they doing? A Working on the farm the old man had lived on.
Q Do you know anything about who had that farm leased or anything about that at that time? A No, sir, I don't know for certain whether it was the old man or the boys.
Q Did you know a man by the name of Mayfield at that time? A I ought to, he raised me.
Q Do you know whether or not he had it leased at that time? A He had that some way; I don't know the best of my acknowledgement Mayfield leased it in the first place.
Q You don't know much about the leasing business, anyway? A No, sir.
Q The boys were simply working there in the crop season? A Yes, sir.
Q Do you know what year that was they worked in the crop? A That was along in '65, I think it was, the last time, if I aint mistaken.
Q You don't remember about the years? A No, sir, it might have been the same fall of '66.

By Mr. Davenport:
Q Your post office is what? A Garnett, Kansas.
Q How far do you live from this Campbell place that Nathan Duffin was living on when you first got acquainted with him? A It is not far, not over two miles.
Q How far did you live from the Campbell place at the time you got acquainted with him in 1866? A I lived in Lynn County then.
Q How far were you from there? A Must have been close on to 25 miles.
Q As I understand you Nathan Duffin was never at your house but one time in 1866? A I don't know; I didn't say he wasn't or was.
Q Was he there more than once in 1866, at your house in Lynn County?
A I couldn't say that he was there over once in '66.
Q Once then in 1866 when he was at your house he had a conversation with you in which he said he was coming back south to get a home?
A Yes, sir.
Q That was in March or the spring of 1866, you say? A Yes, sir.
Q When did you next see Nathan Duffin after that time, if at all.
A I never saw him any more after that.
Q Had you ever been over to Garnett prior to the time you saw him there at your house in 1866? A Yes, sir.
Q Had you ever been to the Campbell, or Johnson's, place there near Garnett? A Yes, sir.
Q Had you ever been to Nathan Duffin's house before he came to your house in March, 1866? A Yes, sir.
Q Then you went over, you say, in July or August, 1866, to the Duffin place and somebody told you Duffin had gone south? A They said he had gone.
Q That was in July or August, 1866? A Yes, sir.
Q His family at that time was living on the Campbell place, near Garnett, Kansas? A I saw the boys there.
Q Do you know whether or not he had a wife and daughters? A He had two.

Q You were acquainted with them? A Yes, sir.
Q Did you go to his house? A Yes, sir.
Q Can't you tell me whether or not the wife and daughters were there when you went there? A The last time I went they were not there.
Q Did the boys tell you where the wife and daughters were? A I asked them where was Nathan and they said he went south.
Q You are positive that that was in July or August, 1866? A Yes, sir.

Q Don't you know that George B. Duffin's testimony and all that have testified in his behalf don't claim that the mother and the daughters came south in 1866, with the father, but that Nathan Duffin came alone, so far as his individual family is concerned?

Mr. Blue: Objected to on the ground that it is not proper cross examination, for the reason that it is assuming something in regard to this testimony which I don't understand to be true, and for the further reason that it is wholly incompetent, immaterial and irrelevant, and not proper cross-examination.
Commission: Objection noted; witness will answer.

A No, sir, I don't.
Q You don't know of your own knowledge when the family left Garnett, Kansas? A No, sir.
Q Do you know Thomas Foster, a man who was raised by old man Campbell that owned the place on which the Duffin's lived in 1866?
A I do.
Q Do you know George Campbell? A Yes, sir.
Q How long have you known them? A I have known them about as long as I have known any of them about Garnett; that is George, Tom I don't know.
Q Tom Foster, I am speaking of? A I don't know him personally.
Q Did you know Tom Foster's mother? A No, not to really know her.
Q Old man Campbell raised the two Foster boys, or they worked there for him a long time, didn't they, after the war?

Mr. Blue: Objected to for the reason that it is not proper cross-examination, is incompetent, immaterial and irrelevant and does not serve any purpose as testimony in this case.
Commission: Objection noted; witness will answer.

Q They might have been working for him, but to say I knew the boys, I don't.
Q When you went up to the Duffin home there in July or August, 1866, were they living then on the Campbell place? A Yes, sir, right on the Campbell place.
Q Was anyone living with them or in adjoining house? A There was somebody, but I don't recollect who.
Q I believe you say you were raised by Mayfield? A Yes, sir.
Q Didn't Mayfield live on the Campbell place when you went up there that time and saw them? A Yes, sir, went to live there.
Q Wasn't Mayfield living on the Campbell place in 1866, or at least the time that Duffin and his family lived there? A Yes, sir.
Q How far apart? A I don't know.
Q Were you ever at the Mayfield home? A Yes, sir.
Q Were you ever at the Duffin home? A Yes, sir.
Q Isn't it true that it was a double log house and that one family occupied one room of the house and the other family the other?
A That may be; I don't know.
Q You were there? A Yes, sir.

Q Were they living that way when you were there? A I don't recollect whether they were or not.
Q You don't recollect much about it, then? A Not many more than what I have said.
Q Which family moved away from the place first the Mayfield or the Duffin family? A I couldn't say.
Q Do you know of your own knowledge when either of the families moved off of the Campbell place? A No, sir, just to come to the date, I don't know.
Q The next thing you knew of them after you were up there this time in July or August, 1866, you saw one of the boys up there working on a farm? A Yes, sir.
Q And you saw one of them that you learned had been going to school? A Yes, after that.
Q That was several years after that, wasn't it? A I never kept no record; I don't know.
Q But you remember distinctly 1866? A Yes, sir.
Q Can't you remember another year as well as 1866? A I suppose I could.
Q What year was it then that you saw the boy up there when he said he had been going to school? A I don't know exactly; couldn't say.
Q How big a boy was he at that time? A A good sized boy.
Q Was it as late as 1868 or '9? A I would not be positive, I don't know.
Q You were not up to the Campbell place later than July or August, 1866? A No, sir, not to say a visit, I might have been.
Q You didn't help the old man Duffin hold a protracted meeting up there that fall? A No, sir, I think not; might have been.
Q How old were you at that time? A Don't know exactly; never knowed my age; people then times never give my age, how old I was.
Q Wasn't the Duffin boys up there at Garnett when the railroad was built in there? A Wasn't no railroad there when I seen them.
Q Weren't they living there when the railroad was built there? Not to my knowledge.
Q Were you at Garnett about that time? A I was at Garnett long before the railroad was.
Q Were youat Garnett when the railroad came there? A I was when they built the Missouri Pacific.
Q Is there another one there? A Two others there.
Q Which was the first road built in there? A I don't know exactly, but I think the M.K.& T. built there first.
Q Where were you living when the first railroad there built to Garnett, Kansas, the first railroad built there after the war? A I was living in Lynn County.
Q You hadn't moved up to Garnett? A No, sir, I think not.
Q When did you first find out that you were going to be a witness in this case? A I found it out yesterday about half past three, I think it was; I didn't know what the case was, nor nothing about it
Q They didn't tell you what case they wanted you to testify in? A No, sir, just wanted me down here to testify in a case.
Q No one asked you what you knew about it? A No, sir.
Q And brought you from Kansas down here to testify without talking to you about it? A Never had no conversation about it.
Q Any with anyone? A No, sir.
Q How did they know what you were going to testify to? A I don't know.
Q They didn't ask that you would testify in any case? A All that was asked me, was I acquainted with Nathan Duffin, and I told him I bught to be; I waited 12 months for him to baptize me, and he come south and has never baptized me yet.

Q You never saw Nathan Duffin in the Cherokee Nation? A No, sir, I never.
Q Never saw any of his family before to-day in the Indian Territory, did you? A No, I wasn't particularly acquainted; I saw old man Nathan down preaching at the camp meeting when I was small.
Q When was that? A Before the war.

By Mr. Blue:
Q Are you a citizen of the Cherokee Nation? A I was born and raised here.
Q Were you taken out of here during the war? A Yes, sir.
Q Did you ever return to the Territory afterwards until now? A I came down, I think in, either in the fall of 1866 or 1867, down on Big Creek with old man Peter Ward and W Joshua Ward, Abram Ward and Peter Weigs.
Q You are a citizen of Kansas now, are you not? A Yes, sir, been living there all the time.
Q You say you did hear the old man Nathan Duffin preach in the Territory when you were a boy? A Yes, sir.
Q Then after that when did you next hear him preach? A The next time after that I heard him preach in Mound City.
Q Lynn County, Kansas? A Yes, sir.
Q After he left you in Lynn County, as you stated, you never saw him any more? A Not after he was at my house and was talking about coming down here.
Q That was 1866 you saw him the last time? A Yes, sir.
Q Can you name the names of the roads that are now running into Garnett? A Missouri Pacific and the K. & D and the Southern Kansas, the first road that was built.
Q While ago you said the M. K. & T.? A Sometimes I call it that, but we call it the Southern Kansas.
Q Do you remember when the Missouri Pacific was built in there?
A I couldn't say the year, but we worked on it.
Q Do you remember when the K C & D was built there? A I couldn't say what year it was in; I worked on it from Garnett to Topeka.
Q Which of the three was built last? A Topeka road.
Q K C & D? A Yes, sir.
Q The other you say is the Southern Kansas? A Yes, sir.
Q Used to be called the L L & G? A Yes, sir.
Q Do you remember when that road was built into Garnett? A No, sir, I don't remember exactly what year.

GEORGE R. DUFFIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A George R. Duffin.
Q How old are you? A About 51; I was born in 1851.
Q You are one of the applicants in this case? A Yes, sir.

By Mr. Blue:
Q When did you say you were born? A In 1851.
Q What is your business? A I am a farmer now; have been a minister.
Q In what church? A A M E Church.
Q Are you a son of Nathan Duffin? A Yes sir.
Q Who were your sisters and brother? A Sarah Moss, Eliza Keys and Joshua Duffin; Henry Thornton is our halfbrother.
Q He is not involved in this case? A No, sir.
Q Did you hear the testimony of Mr. Campbell and Mr. Foster and Johnson given in this case? A Yes, sir.

Q Have you read the testimony of the two Johnson's given in this case before? A Yes, sir.
Q I want you to tell the court all about the question of when Nathan Duffin, yourself, and when his family came to the Cherokee Nation after the war, and how long they remained here and any and all the facts connected with it? A In the Spring of 1866 he came down with a number------
Q Who came? A Father, Nathan Duffin, came down with a number of others to select a place and he left his family on this Campbell farm, where we were farming and I and brother made the crop that season and he came back after selecting a home and in the fall of 1866 sold his farm and came to the Territory.
Q You say he sold his farm? A I mean his potatoes, his corn, his produce, etc.
Q Where was that corn and produce situated? A On the Campbell farm.
Q In what place? A On Pottawotamie, I believe the creek is called, about two miles east of Garnett.
Q In what County and State? A Anderson County, Kansas.
Q After he sold out his interest in the crop there what did he do and what did the family do? A We loaded his wagons in the fall and came to the Cherokee Nation, Indian Territory.
Q Who came? A Father, Nathan Duffin.
Q Who of the family came? A All of the family; father, mother, and the four children, two boys and two girls.
Q Did any other family or person come with him that time other than the family? A No, sir.
Q When did Nathan Duffin and his family reach the Territory? A In November, fall of '66.
Q What did Nathan Duffin and his family do at that time? A He selected his home and went to building as soon as possible.
Q What had he done in the Spring, if anything, in the way of selecting a home? A He selected a home first on Grand river with the crowd he came with; then he was better informed that it would be a better life to live, better country for him to move out on the west of Grand River.
Q Where did he locate his home? A On Big Creek.
Q When did he locate it there? A In the fall of '66.
Q What did he and his family do after selecting the home there on Big Creek? A Went to diggings around and are still there yet.
Q Have any of his family or he ever had any other home than that? A No, sir.
Q Is he living now? A No, sir, he is dead.
Q Where did he die? A On Big Creek, in the home we live in.
Q The same place he selected in 66? A Yes, sir.
Q After selecting that place and digging around there what did you do in the way of putting up a house? A We went to work and built a log house and put some logs on it and went to work.
Q Did you build and complete a house there? A We put up a double log house first and didn't finish covering but one.
Q Did you finally finish that house? A Yes, sir, and covered it the second time with boards and rips.
Q Do you know George W. Lynch, Wash Lynch? A Yes, sir.
Q Did you hear him testify in this case? A Yes, sir.
Q Do you remember of his having come to your father's house on Big Creek, as he stated? A Yes, sir.

Q Do you remember when that was? A I am not positive, but to the best of my memory it was the following spring, him and Art Williams; the reason I remember Mr. Art Williams is the man that was selected as a delegate to go with father to Washington on freedmen business, and it was Lynch and Williams that came there that day.
Q Do you remember what month it was in that they came there? A I think it was in February.
Q How long had Nathan Duffin and his family been living at that place when Wash Lynch came there? A We built it in the fall and the following spring they came there.
Q Do you mean to say by that that you built it in November and were there in February when they came there? A Yes, sir.
Q After Nathan Duffin and his family moved down there did either of the girls return to Kansas any more? A No, sir.
Q Where have they resided since that time? A At home until they married and aint been anywhere yet; Sarah Moss lives on her place and Eliza Keys lives close to the old place.
Q In what Territory or Nation? A Cherokee Nation, Indian Territory.
Q Have either of the girls ever resided out of the Cherokee Nation anywhere? A No, sir.
Q Since they came here in November, 1866? A No, sir.
Q How about the boys, what was their course in regard to living in the Territory after Nathan Duffin and his family located on Big Creek, as you stated? A After we got located, of course everything to live on was scarce and we lived around, and I and my brother went back up to Kansas where we had lived and worked there, and worked with our teams and come back to me.
Q Where were you on the 28th day of June, 1866? A All at home onx Big Creek.
Q How long had you been at home there, you and your brothers and sisters, on the 28th day of June, 1866, without having been out of the Territory? A I really couldn't say, the girls had never been out; of course, myself, I traveled and reached a good deal about up in Kansas and went to school up there two years.
Q While you were travelling and procuring and going to school did you have a home in the Cherokee Nation? A Yes, sir.
Q How about your brother Joshua? A He had his home here.
Q During all this time since November, 1866, did either your brothers or yourself ever vote in any of the states? A No, sir.
Q Or ever exercise any rights of citizenship in the states? A No, sir, I wasn't old enough.
Q Did either you or your brother or the girls ever have a home in any of the states? A No, sir.
Q Have either of them ever had a home anywhere else than the Cherokee Nation at any time? A No, sir.
Q Where are you at school? A Baker University.
Q What county in Kansas? A Douglas County.
Q What city? A Baldwin.
Q How long were you at school? A Entered in '82 and left in '84.
Q During that time did you return to the Cherokee Nation? A Yes, sir, every commencement.
Q During that time you kept your home in the Cherokee Nation?
A Yes, sir, had a farm in the Cherokee Nation on the Verdigris River, at the mouth of Possum Creek.
Q For what purpose did you and your brother go back into Kansas after you came here in 1866? A We went back to work and to get provisions to help our family to live; our horses got stolen the following spring after we came here, and we had nothing to make a living with, and we had to work out and help father make a living for the family.

Q As between the Cherokee Nation at that time and Kansas, which was the better place to find work and get good wages? A In Kansas, there was nothing here to do, nothing here but wolves and deers and we had no guns to kill them with.
Q Did you have any other purpose for going back there, except to make money for the family? A That is all, except to go to school.
Q How long was the longest time that either of you were in Kansas at one time after you located in the Cherokee Nation in November, 1866? A The longest period that I think any of the family ever stayed there was about nine months; I would stay during school and come home.
Q When you were working what was the longest period of time any of you remained up there after November, 1866? A I would stay a couple of months sometimes and sometimes 1/2 months, I don't think we exceeded two or three months at any time.

Mr. Levenhart:
Q How old were you when the war closed, George? A I don't know; I didn't know anything then.
Q Do you know anything now? A Yes, sir.
Q How old are you now? A 51.
Q How long has the war been closed? A It has been closed about----
Q 39 years, hasn't it? A It closed in '6..
Q Hasn't that been about 39 years? A I expect so.
Q You have testified once or more times before in this case, haven't you? A Yes, sir, ever since the Wallace court.
Q Did you mention before the fact of your going up there for better wages? A When I was asked I did.
Q You were represented by counsel then when you gave testimony, were you? Before this court?
Q Yes, before this present Commission? A I don't know really, I think Smith and Mellette made the representation to some extent.
Q You were living near Garnett, Kansas, when the war closed? A I think we were living right in about 1/2 miles of Garnett at the time of Price's raid; we were living near Garnett, Kansas, when the war closed.
Q Are you the oldest one of the children? A No, sir.
Q Who is the oldest? A Brother Henry and Joshua.
Q On whose farm were you living when the war closed? A We were living on what was known as the Hamley farm.
Q How far from the Campbell place? A About four miles.
Q What year did you move on the Campbell place? A Immediately after Price's raid; it was in '6..
Q How many crops did you make on the Campbell place? A One.
Q You moved there in 1865? A We left the Hamley place immediately after Price's raid in '65.
Q That crop year was it you made a crop on the Campbell place?
A '66.
Q Your father or some of the members of the family had a lease on t the Campbell place? A No, sir.
Q Who was it had that lease? A Thomas Mayfield.
Q Mayfield lived on the Campbell place, too, didn't he? A Yes, sir.
Q In adjoining houses to your father? A Yes, sir.
Q Did you know Tom Foster that old man Campbell was raising at that time? A Yes, sir.
Q Did you know his mother? A No, I wasn't well acquainted with his mother.
Q You have seen her. A Yes, we always called Campbell's wife his mother.

Q But you knew he had a mother that lived near there? A Yes, sir, but I wasn't acquainted with her.
Q Didn't you see her? A No, sir.
Q Do you remember when she got married? A No, sir, didn't know she was.
Q You saw Tom Foster here the other day? A Yes, sir.
Q And George Campbell? A Yes, sir.
Q And heard them testify? A Yes, sir.
Q Col. Blue asked you if you heard them testify and you answered, "Yes , sir?" A Yes, sir.
Q You heard Ann Sanders testify the other day in your behalf? A No Ann Sanders testified for me.
Q Was it Nan? A No woman at all to my knowledge testified in our case when we were here before; Lynch did, but no woman didn't.
Q You wasn't here then when she testified? A I was here when they had her on the stand, but not in our case.
Q You heard her testify, didn't you? A I know she was here, but I don't think I heard her testify.
Q When was it your father came to the Cherokee Nation after the war to look to this farm of his? A In '66.
Q When your father came? A Yes, sir.
Q Was it in the Spring we came to locate the place? A In the Spring he made his first trip.
Q Did he come in the Spring of 1866 for the purpose of locating him a farm in the Cherokee Nation? A Yes, sir.
Q Was that the time you say he located a farm for himself and family on Grand River? A Yes, sir.
Q Then I understand you to say that your father came to the Cherokee Nation in the Spring of 1866 for the purpose of locating him a farm as a freedman citizen of the Cherokee Nation? A Yes, sir, that is the way I understood me.
Q And that he went back, and later in the year of 1866, he moved his family down? A Yes, sir.
Q Who were with him on that first trip? A I couldn't remember; Thomas Mayfield was one, and my brother Henry, the spring visit you mean?
Q Yes, sir? A Thomas Mayfield, brother Henry, and I don't remember.
Q Wilson Towers was along? A No, sir.
Q When did he come with him? A He didn't come with us.
Q Do you know whether or not you were in the Cherokee Nation at the time that your father came down and went over to old man Steve Little's and borrowed $10 to pay for a night's lodging to a white man up there? A Yes, sir, I was right up here on Big Creek.
Q What year was that? A It was in the following, it was '66, the following spring after we settled the place.
Q Tell me the year; I wasn't asking anything about the spring and fall? A I guess that must have been in the early spring ~~thatx~~ about in 867, I am not very positive, but it was the following spring that our horses were stolen, because they stole one of my mares.
Q Then old man Little is mistaken when he says it was in the summer and corn was waist high when they come there, is he? A He testified that corn was waist high, but I don't know how high corn was; it was planted I know, we had planted and we were quite late in getting our corn in.
Q Had you seen Wilson Towers at that time in the Cherokee Nation that your ~~xxxxxxxxxx~~ father borrowed the $10? A I never saw him; the crowd come there and went in search of the horses; I am told he was in the bunch; Sim Rogers and Sam Mosely, better known as--- and Mose Smith; I wouldn't go on to state any more.

Q Where was Santa Ann Nivens? A I believe he was there; I aint positive.
Q As I understand you, George, then, old man Little and the parties who testified this morning to your father's coming to his house in the summer of 1866 to get the money to pay a night's lodging, are mistaken as to the year? A It was the following spring that our horses were stolen; they must have been mistaken, because it was the following spring, we came in the fall and the following spring our horses were stolen.
Q Is it true or not true as testified by old man Little in your behalf this morning that when your father came there and got the $10 to pay his board that he was there for the purpose of locating a home in and that he was going back to move his family down? A He didn't have to move us here; we were located already on the creek; it was on Big Creek that our horses were stolen.
Q What creek did you locate on first in the Cherokee Nation? A Big creek.
Q Near whose place? A No place.
Q Who was living on Big Creek, if anyone, when you, your father, brothers and sisters came to the Cherokee Nation? A There wasn't no Indians; the Delawares came after we settled the place; the Falleaf town was built right below us on the Creek. The nearest colored family that lived near us was Andy Daugherty and on further down about six miles Samuel Webber and this Samuel and Wilson Towers and old man Caesar Smith and several others I haven't time to call.
Q Did Wilson Towers live there on the creek when you moved to the Cherokee Nation? A Yes, sir, west from the old man Webbers place.
Q He came then before you and your father and family came? A They were there when we came.
Q How long after you settled did the Delawares come? A It must have been a little over a year.
Q Had you made a crop in the meantime? A Yes, sir.
Q Who of the Delawares first moved into your neighborhood? A Old man Falleaf is the only man I know.
Q Were there any others? A Yes, sir, quite a town of them.
Q How long did they live there near you? A Perhaps a years; quite a bit.
Q Can't you think of anyone else but Falleaf? A Yes, sir, his boys.
Q What were their names? A George.
Q The old man is dead, himself, isn't he? A Yes, sir, and George, too.
Q You think of no living Delaware that come there after you did? A No, sir, I don't know them, I guess they are all dead? A The old man and George is.
Q How about white men? A Wasn't any there when we come.
Q Well, the colored people? A I have told you all there was there
Q You are positive that Wilson Towers was living there on the creek when your father came to the Cherokee Nation? A They were all there.
Q Do you know T. N. Johnson? A Yes, sir.
Q You read his testimony as to how long you people lived there at Garnett? A Yes, sir.
Q He is a citizen of the State of Kansas? A Yes, sir.
Q A white man? A Yes, sir.
Q He has occupied several positions there in the county, hasn't he, since the war? A I don't know; I don't know the Johnson's very well.
Q Do you know George Campbell who testified in this case? A Yes, sir

Q And Tom Foster? A Yes, sir, Johnson knows me a little better than I know him.
Q He seems to know you quite well? A Says he does, but he don't.
Q Have you made any effort to get any of those white people around Garnett, Kansas, where you lived at the close of the war, to testify in your behalf? A No, sir.
Q Have you called on any of them to ascertain from them the date that your father and family left Garnett? A No, sir.
Q The last crop that you claim you made, then, was made in the year 1866 on the Campbell place? A Yes, sir.
Q How long did you leave Garnett before the railroad was built, in there? A There was no railroad there when I left as I remember, I don't remember.
Q Is it true or not true that you and your brothers helped haul ties for the construction of that road? A It is untrue there was no railroad there.
Q Then Mr. Johnson is mistaken when he swears that you and your brother hauled cross-ties by his house most every day while the construction of the road was going on? A Yes, sir, he is mistaken.
Q Was there any colored people that you knew lived near Garnett, Kansas, in 1866? A Yes, sir.
Q Do you know whether there are any of them living?A There was the Bean family, our nearest neighbors; Thomas Mayfield lives on Grand River.
Q Were there none of the state raised people there? A No, sir, I believe there were no state raised niggers living near there; they were all Indian niggers; I was just going to give you a number of them; there was Sandy Bean-----
Q Where is he living now? A He is dead; his boys are living.
Q Who are his boys? A Joe Bean, Tobe, Arthur, Jake, there was the Adams', Joe Adams; he came on down here.
Q Where is he now? A Dead; Gag Adams, he is living there now.
Q In Garnett? A I suppose he is.
Q You haven't even seen him? A Didn't have to.
Q You didn't much want to go there without police, did you?
Didn't think I had to.
Q You did go up there to another town 25 or 30 miles away to get a fellow to swear that your father told him? A No, sir.
Q Didn't you send for this man? A No, sir, some of the family did.
Q You knew it? A No, sir; you fellows sent for them.
Q We sent to the place where you lived to get them? A Yes, sir.

Q And we didn't try to get fellows who were on the doubtful or straight cards, either? A I don't know.
Q Don't you know that the Cherokee Nation went to men who were non-citizens and who had never lived in the Cherokee Nation and who had no interest one way or the other in the result of the cases? Yes, after they came I knew it.

By Mr. Blue:
Q As a matter of fact, George, neither you nor your associates in this case went to a town 25 miles away to get a witness, did they? A No, sir.
Q Mr. Blackburn, who has been offered here as a witness, lives at Garnett, doesn't he? A Yes, sir.
Q And he has come from Garnett here to-day or yesterday? A Yes, sir
Q Coming back to the date when you came down to the Cherokee Nation, that was-----

Mr. Davenport: We object to going over that again and again,
Commission: I think that point has been gone over thoroughly.
Mr. Blue: They have misled him, and I think we ought to go over it again.
Commission: Proceed.

Q When did you first come back to the Cherokee Nation? A In the fall of '66, we moved.
Q When did your father start from up there to come back here? A In the ~~fall of~~ Spring of '66.
Q Now, do you know whether or not at that time your father and those that were with him lost some horses? A At the time they returned back.
Q When he first came down here in 1867 to make his first selection do you know whether or ~~not~~ they lost any horses at that time or not? A No, sir, I don't know.
Q Did you hear the testimony of this old gentleman, Steve Little? A Yes, sir.
Q Did you hear what he said about the date when your father first came to his house? A Yes, sir.
Q Do you remember what he said as to when he loaned him that money? A Yes, sir, he said it was in the Spring of '66, to my best recollection.
Q You think it was in the Spring of 1867? A I think it was, because we came here in the fall of '66, and our horses were not stolen until the following spring,, and it must have been '67.
Q What, if anything, do you know of your own personal knowledge about Mr. Little's making him a loan of money? A I know that father sent the money back, but I forget how he, and he told the family that he borrowed $10 to assist him in the search for the horses, and I know he sent it back to Mr. Littles, I didn't know who it was, but afterwards I formed an ~~acquaintance~~ acquaintance with him.
Q Were you there when the money was borrowed? A No, sir, I was at home then.
Q ~~When~~ you were not present at all when he sent to Mr. Little's and got the money? A No, sir.
Q Don't claim to have been? A No, sir.
Q And what you know about that loan is what your father said about his starting money back to Mr. Little? A Yes, sir, that is all.
Q You think it was in 1867? A Yes, sir, that is my best recollection; I think the old man made a mistake.
Q But you do know that your father and his family were in the Cherokee Nation at their home in November, 1866? A Yes, sir.
Q And that home has been there ever since? A Yes, sir.

Q You spoke of W. A. Johnson, do you know whether he is living now? A I heard he was dead.
Q Do you know what his profession was? A No, I don't know, but I heard.
Q Wasn't he a lawyer? A Yes, sir, we always called him lawyer Johnson.
Q To your knowledge did he ever visit your father's home at any time while he lived in Kansas? A No, sir, not as I know of.
Q To your knowledge did he have any acquaintanceship with your father in Kansas? A I know more of him through father than anyone else.

Did your boys and girls have any acquaintance with him? A No, sir.

Were you and Joshua up in Kansas in 1870, at any time, at work there in anything, or either of you? A Yes, we worked around there in '70 and was back and there working so much I really couldn't tell, but I know that I and my brother were working up there in Kansas when the L L & G made its first arrival in Garnett.

Is that the road that they called the Southern Kansas afterwards? A I suppose, we always known it to be the L L & T; it may be called the southern Kansas.

Did you or your brother, or both of you, haul cross ties at any time for any railroad? A No, sir, never hauled a tie in Kansas in my life.

During the time that you worked, as you stated, up there, did you work at cutting corn for farmers? A Yes, sir, we cut up corn some years, and done anything we could get hold of; I remember we cut up corn [illegible]

Did you work together there or separately? A Sometimes together and sometimes we didn't; I always wanted to be with brother, because I was younger, and when we could get jobs together we went together.

You say that about this work proposition before you were cross-examined, didn't you? A I did, yes, sir.

By Mr. Davenport:

Q What year was it you and your brother were back in Kansas at work? A It was from the time we came back, from the spring of '66 until [illegible] better; I couldn't say specially---

What kind of work? A Anything we could get to do.

Can't you tell me anything? A We cut corn.

For whom did you cut corn? A I can't remember; it has been a good while ago.

Can't you remember a single man you cut corn for before or after you come to the Cherokee Nation, if you cut at all A I cut for Gibson.

Q How far did Gibson live from Garnett, Kansas? A Adjoining farm to the Campbell farm.

Who else did you work for and what kind of work did you do? A I wouldn't go to work and tell you every man and what kind; it has been so long.

You remember everything you did in 1866? A Yes, sir.

Then why can't you tell about some other year? A I can't say that I am able to tell every man I worked for; I didn't make any memorandum.

Did you make any memorandum of the year 1866? A I did not. I guess you all know Dr. Miller.

I didn't. A He was a man that came around through Kansas and was telling freedmens that there was a treaty made and if they would come back at once they would get homes, and would enjoy the same privileges and immunities as Cherokees; father was preaching and travelling and came home and told him he believed he would take his family and go back to the Nation, that he had seen Dr. Miller in Fort Scott and he said that if he would go back he would get rights the same as Cherokees.

Q Don't you know that you have testified in the last half hour that your father came to the Cherokee Nation in the Spring of 1866, for the purpose of locating him a farm and getting him a home? A Yes, sir.

Q Don't you know that that was months before the treaty was made, giving freedmen rights in the Cherokee Nation? A I don't know; I know he came back in the spring of '66, and if he got here before the treaty was made he got here too soon.
Q Don't you know he didn't say anything about coming back to get a home in the Cherokee Nation? A Of course he did.

By Mr. Pike:
Q You do know, as a matter of fact, George, that your father, Nathan Duffin, with his family, did come to the Cherokee Nation and located in November, 1866? A Yes, sir.

Mr. Pike: Applicants close their testimony up to this time, so far as I know; if there is other evidence to be introduced, I want the privilege of cross-examination and rebuttal.

Commissioner: It has been the custom of the Commission to introduce in these cases, the testimony in other cases, that throw any light upon the facts.

Mr. Pike: What I want to have in this case is my right to object to the introduction of the records in an other case, on the ground that it is incompetent, immaterial, irrelevant, denies to the applicant the right to cross-examine the witnesses who have testified in these cases, and precludes him from an opportunity to rebut the testimony of the witnesses offered in said case or cases. And if said testimony, records or decisions in said cases are rendered and admitted, I then desire to offer a motion to strike from the record and testimony in this case all of said records, testimony and evidence in said case or cases admitted, for the reasons set forth in the objection to their admission, and if said testimony, decisions and records in other cases are admitted the counsel for applicants then demand the right to cross-examine the witnesses who have testified against them and to rebut any testimony, evidence, documents or decisions so admitted against them.

Mr. Davenport: The representatives of the Cherokee Nation, in view of the fact that the testimony of George B. Duffin shows that Wilson Towers was on Big Creek when he and his father's family returned to the Cherokee Nation, desire that the Commission make reference to the case of Wilson Towers, which was formerly T.D. 466, but now T.D. 270, that reference be had to same in making up the decision in this case.

Mr. Pike: To which counsel for the applicants in this case enters the objection, as stated above he desired to offered to the introduction of this character of testimony, and in addition thereto objects because the decision and the testimony upon which it is based is incompetent, irrelevant and immaterial and is an attempt to impeach the testimony of George B. Duffin without having called to his attention the testimony he had given in said case, or that any other witnesses in said Towers case had given in opposition to his testimony in this case, and counsel for applicants, if said decision and testimony in said Towers case is admitted by the Commission, moves for the same reasons and objections above given, to strike said decision and the testimony therein offered herein, from the record of this application, and if said motion is overruled by the Commission and said decision and testimony is considered herein, then Counsel for the applicants requests that opportunity be give to cross examine the witnesses in said case whose testimony affects the testimony of George Duffin herein, and that the said George Duffin have opportunity to rebut the testimony of said witnesses whose testimony is used herein for the purpose of impeaching and affecting the testimony of George B. Duffin.

Commission: The statement, motions and objections of the counsel in this case will be noted and made a part of the record herein, and this case is now considered closed. The applicants' attorney will be given 15 days in which to file argument in this case, a copy of which they will be required to furnish the attorneys for the Cherokee Nation.

o-o-o-o-o-o-o-o

W. . Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(signed) W. . Vance.

Subscribed and sworn to before me this 4th day of August, 1904.

(signed) Wm.T. Martin, Jr.

(. .) Notary Public.

----:-----

Edith L. Morey, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she took the foregoing case, and that the same is a true and correct copy of the original transcript.

Edith L. Morey.

Subscribed and sworn to before me this 1st day of September, 1904.

J.B. Campbell

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George B. Duffin et al., for enrollment as Cherokee Freedmen, consolidating the applications of

George B. Duffin----------Cherokee Freedmen D 505,
Sarah Moss et al.----------Cherokee Freedmen D 506,
Eliza Keys----------Cherokee Freedmen D 507,
Joshua Duffin----------Cherokee Freedmen D 509,
Frank Duffin----------Cherokee Freedmen R 109,
George W. Moss----------Cherokee Freedmen D 510.

D E C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George B. Duffin, for himself; by Sarah Moss, for herself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss; by Eliza Keys, for herself; by Joshua Duffin, for himself and minor son, Frank Duffin; and by George W. Moss, for himself.

The evidence shows that the applicants, George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin, were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867.

The evidence further shows that the applicant, Frank Duffin, has been born since 1866 and is the son of and claims right to enrollment through the said Joshua Duffin; that all the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Sarah Moss.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight L. Moss, Willie Moss, Eliza Keys, Joshua Duffin,

Frank Duffin and George N. Moss, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

(SIGNED). W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this JUL 10 1907

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George B. Duffin et al. as Cherokee Freedmen, consolidating the applications of:

George B. Duffin,	Cherokee	Freedmen	D 505,
Sarah Moss, et al.	"	"	D 506,
Eliza Keys,	"	"	D 507,
Joshua Duffin,	"	"	D 509,
Frank Duffin,	"	"	R 109,
George Nathan Moss,	"	"	D 510.

--:--

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to this Commission by George B. Duffin for himself; by Sarah Moss for herself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight Lyman and Willie Moss; by Eliza Keys for herself; by Joshua Duffin for himself and minor child, Frank Duffin; and by George Nathan Moss for himself. The record further shows that on July 10, 1903, the Commission rendered its decision herein denying said applicants the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded to the Department; that thereafter, on May 20, 1904 (Departmental letter I. T. D. 222-04), this case was remanded by the Department for further testimony, and on July 16 and 28, 1904, supplemental testimony in the matter of said applications was taken at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin, claim the right to enrollment as Cherokee freedmen by virtue of their compliance with the treaty stipulations of 1866, and that the other applicants herein claim the right to enrollment as Cherokee freedmen as descendants of the said applicants, Sarah Moss and Joshua Duffin.

GEORGE B. DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am forty-nine years old and am the son of Nathan and Frances Duffin, both deceased. I and my mother, before the war, belonged to Dr. John Thornton, a Cherokee citizen, and I was taken to Fort Scott, Kansas, during the rebellion, and with my father and his family returned to the Cherokee Nation and located on Big Creek, in November, 1866, and have since continuously lived in said Nation. We came from near Garnett, Anderson County, Kansas, and upon our arrival in the Cherokee Nation, found Andy Daugherty and Daniel and Mike Sanders and Sam Webber living on Big Creek; they had some little patches broken out, from which they had gathered the crops for that year.

Said applicant being recalled and further examined by the Commission, testified as follows: When I can first remember I was living in Goingsnake District, Cherokee Nation, about six miles from Dutchtown. I remember distinctly when I was taken from the Cherokee Nation to Kansas, and since my return to the Cherokee Nation I have been out occasionally in the different states, as a minister, and spent two years at school at Baker University (Kansas).

SARAH MOSS appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of her application for enrollment as a Cherokee freedman testified as follows: I am forty-three years old, and am the wife of Richard Moss, a non-citizen of the Cherokee Nation who is the father of my children, all of whom were born in the Cherokee Nation since 1866. I am a sister of the applicant, George B. Duffin, and the daughter of Nathan and Frances Duffin, both deceased. I and my mother were the slaves of one Dr. John Thornton, a Cherokee citizen. I returned to the Cherokee Nation after the war with my father, brothers and sisters, and have since continuously lived in said Nation.

ELIZA KEYS appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of her application for enrollment as a Cherokee freedman, testified as follows: I am forty years old, and am the daughter of Nathan Duffin and Fannie Thornton (Frances Duffin), and the sister of the applicants, George B. and Joshua Duffin and Sarah Moss. I was taken to Kansas during the war, and have continuously lived in the Cherokee Nation since I returned thereto after the rebellion.

JOSHUA DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am about forty-nine or fifty years old. I was the slave of Dr. John Thornton before the war, went to Fort Scott, Kansas, during said war, and returned to the Cherokee Nation some time during the

summer of '66, with my sister Sarah (Moss) and brother George (Duffin). The minor applicant, Frank Duffin, is my illegitimate son, and is sixteen or seventeen years old. (Cherokee Freedman Enrollment card No. R 109 shows that Annice Johnson, deceased, mother of the said Frank Duffin, was a non-citizen of the Cherokee Nation). I remember when we returned to the Cherokee Nation after the war, it was in July or August, and Mr. Webber and Towers and Keys all had their corn laid by when we arrived. I have never been in Kansas longer than two weeks at a time since I removed to the Cherokee Nation after the rebellion.

GEORGE NATHAN DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am twenty-two years old, and am the son of one Richard Moss, a non-citizen, and the applicant herein, Sarah Moss.

GEORGE B. DUFFIN appeared before the Commission at Muskogee, Indian Territory, on July 26, 1904, and in support of his application for enrollment as a Cherokee freedman further testified as follows: After we came to the Cherokee Nation in November, '66, and got settled, myself and brother went back to Kansas with our teams and worked. Wilson Towers and family were living on Big Creek when we came there in 1866. Myself and brother went back to Kansas in the spring of '66 ('67) and worked until we could do better, but don't know just when that was.

ALLEN LYNCH, FILMORE HICKS, MOSES RILEY, SAM WEBBER, GEORGE W. LYNCH, MARIAH FRENCH, STEPHEN LITTLE AND WASHINGTON BLACKBURN, testified at different times and places on behalf of the applicants herein, but with the exception of Moses Riley, Sam Webber and George W. Lynch, none of said witnesses give any material testimony tending to show that the applicants, George B. and Joshua Duffin, Sarah Moss and Eliza Keys, were in the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867.

MOSES RILEY testified as follows: I am fifty-one years old and have known the applicant, George B. Duffin very near all my life. Saw him in Kansas during the war, and again in the Cherokee Nation just before Christmas in '66. I was just a boy when I saw said applicant in '66, and lived about thirty miles from him.

SAM WEBBER testified as follows: I am fifty-eight years old and have known the applicant, Sarah Moss, ever since her father, Nathan Duffin, brought his wife and two boys, George and Joshua, and two girls, Eliza and Sarah Duffin, to the Cherokee Nation and located on Big Creek, just before Christmas, 1866.

GEORGE W. LYNCH testified as follows: I was born in December, 1852. I knew the applicants, George B. Duffin, Sarah

Moss, Eliza Keys, Joshua Duffin and George Nathan Moss. I knew Nathan Duffin and first saw him and his family in the Cherokee Nation on Big Creek, about February 1, 1867, when, one morning I and Art Williams happened by Nathan Duffin's place and stopped for breakfast. I, at that time, was on my way to Fort Leavenworth to join the army.

E. A. JOHNSON, J. M. JOHNSON, GEORGE CAMPBELL AND THOMAS MOSTER, on behalf of the Cherokee Nation, testified at different times and places in this case, and identify the applicants George B. and Joshua Duffin, Sarah Moss , nee Duffin, and Eliza Keys, nee Duffin, as having continuously lived near Garnett, Anderson County, Kansas, during the first three years subsequent to the close of the rebellion.

Excepting the Wallace and Kern-Clifton rolls, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

In connection with parts of the testimony set out below, together with the status and credibility of some of the witnesses who testify in this case, attention is called to certain facts which the records of the Commission show to exist, and with which the Commission is thoroughly familiar:

George B. Duffin, applicant, testifies positively that upon his family's removal to the Cherokee Nation after the rebellion Daniel and Mike Sanders and Sam Webber were living on Big Creek, and had patches broken out, from which they had gathered the crops for that year; also, that Wilson Towers was living on Big Creek at that time. The advance guard of the Webber-Sanders detachment of freedmen, after the rebellion, first came from Kansas to the Big Creek country, Cherokee Nation, about August,1866, remained a few weeks, during which time they selected their locations and did some work on their houses, and then returned to Kansas. They again visited the Cherokee Nation in December, 1866, remained a few days, during which time they did some more work on their houses and then returned to Kansas, and during the months of March and April, 1867, said colony of freedmen, with their families, arrived and permanently located in the Cherokee Nation, consequently, the first crops they raised in the Cherokee Nation after the rebellion was during the year 1867. In C. F. D. 466 (now R 276), the Commission has heretofore found that the said Wilson Towers did not remove from Kansas to the Cherokee Nation until the year 1868, and on April 25, 1904 (Departmental letter 2304-04), its finding was approved by the Department.

In re witness Moses Riley: The testimony in C.F.D 258 shows beyond little doubt that the said Moses Riley did not return to the Cherokee Nation until the fall of 1867. In C. F.D. 265 the Commission has heretofore found that Emma Purtle, who is a full sister of the said Moses Riley, and who was taken from the Cherokee Nation during the rebellion and returned thereto after said rebellion with her brother, Moses Riley, did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department.

In re witness Sam Webber: The Commission does not hesitate to say that the testimony of this witness is wholly unreliable and worthy of no credit whatever. There is on record with this Commission evidence filed in numerous freedman cases, which shows conclusively that the said Sam Webber did not, after the rebellion, live in the Cherokee Nation prior to the spring of 1867.

In re testimony of George . Lynch: This witness testified that he was born in December, 1852, and about February 1, 1867, was on his way to join the United States army, and later in the spring of the same year joined the army at Fort Leavenworth, Kansas, and was discharged in the year 1872. This testimony seems somewhat remarkable in view of the fact that on February 1, 1867 the witness must have been less than two months past his fourteenth year, and for enlistment in the United States army at that time the age limits were eighteen and forty-five years.

The testimony of W. A. Johnson, J. M. Johnson, George Campbell and Thomas Foster, witnesses on behalf of the Cherokee Nation, who appear to be intelligent, disinterested, and unbiased, and who connect the matters of which they testify with events in their own experience that would naturally impress the dates upon their minds, is, on the whole, consistent, and shows beyond little doubt that the applicants, George B. and Joshua Duffin, Sarah Moss and Eliza Keys, were living near Garnett, Anderson County, Kansas, during the years 1866, 1867, and 1868.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the applicants, George B. Duffin, Joshua Duffin, Sarah Moss, and Eliza Keys, were the slaves of a Cherokee citizen before the rebellion. (The evidence does not affirmatively show that the said applicants were the slaves of a Cherokee citizen at the commencement of the rebellion, although it does strongly indicate that they were); that they were taken from the Cherokee Nation during said rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al. for the return of Cherokee freedmen to said nation; and that the applicants, Julia, Sanford, Howard, Samantha, Rutherford, Alaira, Dwight Lyman, Willie and George Washington Moss, and Frank Duffin, were born since 1866, are descendants of the applicants, Sarah Moss and Joshua Duffin, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Alaira Moss, Dwight Lyman Moss, Willie Moss,

Eliza Keys, Joshua Duffin, Frank Duffin and George Nathan Moss, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress Approved June 28, 1898 (30 Stat., 495) , and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.

Chairman

(SIGNED). T. B. Needles.

Commissioner

(SIGNED). C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,
this JUN 16 1905

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } ss

In the matter of the application of Joshua Duffin for enrollment as a Cherokee Freedman.

No. F. D. 509

Henry Pack, of lawful age, being duly sworn on oath states that on the 20th day of September, A. D., 1901, he registered to Joshua Duffin whose postoffice is Lenapah Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 30th day of September, 1901, he received the return card which is hereto attached, signed by the said Joshua Duffin, showing that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the 30th day of Sept A. D. 1901.

J. C. Starr
Notary Public.

F.N. 509

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 2 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Joshua Duffin for enrollment as Cherokee Freedmen:

Case No. F. D 509

To Joahua Duffin Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 10th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mrs. Josiah Duffin,
Lonapah, I. T.
Cherokee, F-D-509.
Register.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 5 1901
ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Muskogee, I.T.

District Ned

1. Name Joshua Griffin Age 50

Owner's name Wm Griffin Citizenship Cherokee

Year N. C. Page 183 No. 1488 District Ned

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. ~~Frank Griffin~~ Year N. C. Page 183 No. 1488 Dist. Ned

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer M. D. Green

101 Sy Dr. D. Gill for Josh Griffin

Act on Patent Nos. 100, 101 & 305, Josh Griffin, Ned Dist

Ans to N 505 and N 506 and to card

Upon

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes, in the matter of the application of Joshua Duffin for enrollment as a Freedman of the Cherokee Nation, one copy of the original testimony of June 5th, 1901.

Mellette Smith

Attorney for Applicant.

Cherokee F. #D509.

C 7D509

Vinita Indian Territory, Aug 19 1904

Received of the Commission to the Five Civilized Tribes one copy of the testimony in 509

Blue & Closser
Attorney for Applicant

COPY.

Cherokee Freedmen
D-509 & R-109.

Muskogee, Indian Territory, July 23, 1903.

Joshua Duffin,

Lenapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of George B. Duffin, et al., rejecting, among others, your application for t he enrollment of yourself and your minor child, Frank Duffin, as Cherokee Freedmen. There has heretofore been furnished your attorneys, Mellette & Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

T. B. Wilson

Commissioner in Charge.

Register.

Enc. M-508.

Cherokee Freedmen
D-505,D-506,D-507,
D-509,R-109,D-510.

Muskogee, Indian Territory, July 23, 1903.

Mellette & Smith,

Attorneys for George B. Duffin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony in the consolidated case of George B. Duffin, et al., together with a copy of the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Almira, Dwight L., and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George H. Moss, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. N-60.

SOP

Cherokee Freedmen
D-505, D-506, D-507,
D-509, R-109, D-510.

Muskogee, Indian Territory, July 23, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of George H. Duffin, et al., rejecting the applications for the enrollment of George H. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dai nt L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George H. Moss, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. K-61.

COPY

Cherokee Freedmen
D-505, D-506, D-507,
D-508, R-109, D-510.

Muskogee, Indian Territory, July 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George B. Duffin, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George W. Moss, as Cherokee Freedmen.

Respectfully,

T. D. Needles

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-62.

-Copy-

Refer in reply to the following:

Land. 47049-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan. 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for the consideration of the Department, a record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of George B. Duffin, for the enrollment of himself; of Sarah Moss, for the enrollment of herself and her minor children, Julia, Senford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss; of Eliza Keys for the enrollment of herself; of Joshua Duffin, for the enrollment of himself and his minor son, Frank Duffin and of George N. Moss for the enrollment of himself - all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicants George B. Duffin, Sarah Moss, Eliza Keyes and Joshua Duffin were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867; that the applicant, Frank Duffin has been born since 1866, is the son of and claims right to enrollment through the said Joshua Duffin; that all the

other applicants have been born since 1866, and are descendants of and claim right to enrollment through the said Sarah Moss.

The Commission further says in said decision, that none of the names of the applicants herein is found on the 1880 authenticated roll of the Cherokee Nation, and by reason of this fact and said findings, the Commission is of the opinion that the enrollment of these applicants should be denied under the provisions of section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495.)

I have examinedthe testimony submitted in behalf of these applicants, and also that submitted on behalf of the Cherokee Nation, and I am not satisfied that said opinion of the Commission was fully warranted by said testimony. The applicant, George P. Duffi , gives a very straight forward statement as to his birth, or rather his whereabouts from his earliest recollection, and standing alone, his evidence makes out his case. His testimony is supported by the testimony of the witness, Allen Lynch. The witness, Filmore Hicks also corroborates the claim of said applicant, to the effect that applicant's father was in the Cherokee Nation in 1866, but the Commission shows that the statements of this witness cannot very well be relied upon. The next witness in behalf of said applicant is Moses Riley, who also testified that the applicant's father returned to the Cherokee Nation along about 1866. The said applicant is then re-called, after which the Nation calls two witnesses, viz: W. A. Johnson and J. M. Johnson, who both testify that they have resided at Garnett, Kansas, since 1866 of 9;

that they knew Nathan Duffin, the father of said George B. Duffin and also knew his family, and they further testify that the said Nathan Duffin and his family resided at or near, Garnett, Kansas, in the year 1870. They fix this date by reason of the fact that the Santa Fe Railroad, then the L.L.& G. was built at that time, and it is claimed by these witnesses that said applicant and his brother were then hauling ties for said railroad. These two witnesses submit the only evidence that appears of record which shows that the claim of these applicants is not true.

It occurs to me that the Commission should have at least confronted the applicants with the facts testified to by the Johnsons, and had said testimony either admitted or denied by them. If, as a matter of fact, these applicants never returned to the Cherokee Nation until 1870, or later, it occurs to me that there ought to be several persons yet living in the Cherokee Nation who could testify that Nathan Duffin and his family did not reside on Big Creek in the Cherokee Nation at the place and at the time they claim to have resided there before 1870. It further appears from the testimony, which is not denied, that the applicant George B. Duffin has voted in the Cherokee Nation and has held permits therein. It is claimed by him and not denied that he was the slave of a Cherokee citizen and was taken out of the Cherokee Nation when a child, by the United States troops. It may be that the Johnsons are very credible witnesses and that their statements are entitled to great weight, but I hesitate to recommend that the applications

of all these parties be denied solely upon the testimony of two persons residing in the State of Kansas, who undertake to give definite information relative to a colored family whom they do not appear to have seen for more than thirty years. Than too, a close analysis of their testimony shows that they do not claim to have any definite knowledge of the whereabouts of these people from 1866 to 1870. The applicants themselves testify that they have worked at divers times in Kansas, and the testimony of the Johnsons might be true and yet these parties entitled to enrollment as Cherokee Freedmen citizens of the Cherokee Nation. These applicants make this claim and substantiate it ina large degree, and if possible I consider that the Cherokee Nation should positively show that their said claim is not a valid one. The amount involved in a case like this is such that the issue raised should not be passed over lightly. If all of these applicants are entitled to enrollment as Cherokee Freedmen citizens of the Cherokee Nation, it is a matter of very great importance to them to be so enrolled, and if on the other hand they are seeking to perpetrate a fraud on said Nation and secure valuable rights to which they are not entitled, it is very important that the Nation show conclusively, that their claim is fraudulent, and the question should not be left in doubt in any way if there is evidence obtainable that will show conclusively either that the parties are entitled to enrollment or that their enrollment should be denied.

The decision of the Commission in this case throws no light upon the testimony. They saw the witnesses and heard them testify, but I find nothing in the decision as to the credibility of the different witnesses.

By reason of all the above facts, I consider that in justice to both the applicants and the Cherokee Nation, this case should be remanded to the Commission for a further hearing and opinion along the lines indicated in this review of the case.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

A.C.T.

W.C.J.

L.

D.C. 17603-1904.

I.T.D. 222-1904.

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DEPARTMENT OF THE INTERIOR,

WASHINGTON. May 20, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 23, 1903, you transmitted the record of proceedings had in the consolidated case of George B. Duffin, et al., including your decision of July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George W. Moss, as Cherokee Freedmen.

It appears that George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin were slaves of Cherokee citizens at the commencement of the rebellion; that the other applicants were born since 1866, and are descendants of Joshua Duffin or Sarah Moss. You state in your decision that during the rebellion these applicants left the Cherokee Nation and did not return thereto until after January 19, 1867.

Reporting in the matter January 11, 1904, the Commissioner of Indian Affairs takes the view that the evidence does not show clearly that the applicants did not return to the Cherokee Nation within the time provided by the Cherokee treaty of 1866, and states

that in justice to both the applicants and the Cherokee Nation the case should, in his opinion, be remanded to you for a further hearing, and an opinion from you as to the reliability of the evidence introduced.

The Department is of the opinion that further evidence should be secured, if possible, before the applicants' rights are finally adjudicated. The testimony submitted is therefore returned and it is desired that you secure, if possible, such further evidence as will more clearly show whether or not the applicants are entitled to enrollment. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary

2 inclosures.

Cherokee Freedmen
D-505 et al.

Muskogee, Indian Territory, June 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Hays and George W. Moss.

In accordance with Departmental instructions the principal applicants have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-16.

Cherokee Freedmen
D-505 et al.

Muskogee, Indian Territory, June 4, 1904.

Edgar Smith,

Attorney for George B. Duffin et al.,

Vinita, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys and George E. Moss.

In accordance with departmental instructions the principal applicants in this case have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment. The applicants have been requested to introduce

witnesses other than those heretofore introduced by them.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Enc. D-15.

Chairman.

Cherokee Freedmen
D-509.

Muskogee, Indian Territory, June 4, 1904.

Joshua Duffin,

Lenapah, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting, among others, your said application.

In accordance with Departmental instructions you are advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of your claim. It is particularly desired that you offer testimony tending to show the date of your return to the Cherokee Nation after the close of the war. You are requested to introduce witnesses other than those heretofore introduced by you.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Enc. D-12.

Chairman.

Cherokee Freedmen
D-509.

Muskogee, Indian Territory, June 4, 1904.

Joshua Duffin,

Lenapah, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting, among others, your said application.

In accordance with Departmental instructions you are advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of your claim. It is particularly desired that you offer testimony tending to show the date of your return to the Cherokee Nation after the close of the war. You are requested to introduce witnesses other than those heretofore introduced by you.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Enc. D-12.

Chairman.

Cherokee Freedmen
D-505-6-7-8-10
R-109

Muskogee, Indian Territory, August 13, 1904.

Blue & Clover,

Attorneys for George B. Duffin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of record of supplemental proceedings recently had in Cherokee Freedmen D-505, et al., George B. Duffin, et al. There is also enclosed a blank form of receipt for said testimony, which you are requested to sign and return to the Commission.

Very Respectfully,

Commissioner in Charge.

Encl. S-51.

COPY.

Cherokee Freedmen

D-509.

Muskogee, Indian Territory, June 16, 1905.

Joshua Duffin,

Lenapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby.
Chairman.

Incl. S-55
Register

COPY.

Cherokee Freedmen

D-50[illegible], et al.*

Muskogee, Indian Territory, June 16, 1905.

Blue & Bulger,

Attorneys for George B. Duffin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of George B. Duffin, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGN) Tams Bixby

Chairman.

Incl. 2259.
Register.

COPY.

Cherokee Freedmen

D-505, et al.

Muskogee, Indian Territory, June 16, 1908.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1908, rejecting the applications for the enrollment of George B. Duffin, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-58.

Cherokee Freedman
D-805, et al.

Muskogee, Indian Territory, June 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of George W. Duffin, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1906, rejecting said applications.

On May 29, 1904, the Department remanded this case for further hearing and readjudication.

Respectfully,

James Dixby.
Chairman.

Incl. 6-00.

Through the

Commissioner of Indian Affairs.

Land.
47225-1905.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

July 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by George B.Duffin for himself; by Sarah Moss for herself and her minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight, Lyman and Willie Moss; by Eliza Keys for herself; by Joshua Duffin for himself and his minor child, Frank Duffin; and by George Nathan Moss for himself.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that on July 10, 1903, the Commission rendered a decision denying the applicants enrollment; that thereafter, on May 20, 1904 (I.T.D.222-1904) the Department remanded the case for further testimony. The record further shows that the applicants, George B.Duffin, Joshua Duffin, Moss and Eliza Keys were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken

out of the Cherokee Nation during the war and that they did not return thereto on or before February 11, 1867; that the other applicants were born since 1866, are descendants of Sarah Moss and Joshua Duffin, and possess no rights to enrollment other than as such descendants.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

.C.52116 COPY J.Y.Jr.

DEPARTMENT OF THE INTERIOR, LLB

I.T.D.8194-1905. WASHINGTON.
8525- "

November 26, 1906.

LRS.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 11, 1905 (Land 47225), the Indian Office transmitted the record in the matter of the consolidated applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Sa mantha Moss, Rutherford Moss, Elmira Moss, Dwight Lyman Moss, Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin, and George Nathan Moss as Cherokee freedmen, including the decision of the Commission to the Five Civilized Tribes, adverse to the applicants.

The Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys ofor the applicants filed a motion for review of said decision.

There appears to be no proper reason for granting said motion and it is hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motion for review, have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc.and 3 to Ind. Of.

Cherokee Freed.
D 509.

Muskogee, Indian Territory, December 5, 1906.

Joshua Duffin,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, your application for enrollment as a Cherokee Freedman was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of your case filed by your Attorneys September 7, 1905, denied.

Respectfully,

S.W.

Acting Commissioner.

Cherokee Freed.
D 505, et al.

Muskogee, Indian Territory, December 5, 1906.

Blue & Bulger,

Attorneys for George B. Duffin, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of George B. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and your motion for review of said case, filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. W-1.
S.W.

Acting Commissioner.

Cherokee Freed.
D 505, et al.

Muskogee, Indian Territory, December 5, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of George B. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of said case filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. W-2.
S.W.

Acting Commissioner.

Cher.Fr.R 913

Cher.Fr.R-913

Trans. from Cher. Fr. D-510

File with C.F. D- 510 George Nathan Moss

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JULY 5th, 1901.

In the matter of the application of Sarah Moss for the enrollment of herself and eight children as Cherokee Freedmen; said Moss being sworn and examined by Commissioner T.M.Needles, testified as follows:

Q What is your name? A Sarah Moss.
Q What is your age? A 43.
Q What is your post-office address? A Kinnison.
Q What District do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children? A Eight.
Q Are they all under 21 years years of age? A Yes, sir.
Q All unmarried? A Yes, sir.
Q Give me the names of your children? A Julia.
Q How old is Julia? A 19.
Q What is the name of the next child? A Sanford.
Q How old is Sanford? A 17.
Q The next child? A Howard.
Q How old is Howard? A 15 years old.
Q The next one? A Samantha.
Q How old is Samantha? A 13.
Q Then comes? A Rutherford.
Q How old is Rutherford? A Ten.
Q Then comes? A Elmira.
Q How old is Elmira? A Six.
Q The next child? A Willie.
Q How old is Willie? A Four years old.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Richard Moss.
Q Is he a citizen? A No, sir.
Q Are these children that you have enumerated here all living at this time? A Yes, sir.
Q Are they all named Moss? A Yes, sir.
Q Is Richard your first husband? A Yes, sir.
Q You his first wife? A Yes, sir.
Q What relations are you to George P. Duffin? A Brother.
Q What is your father's name? A Nathan.
Q Is he living? A No, sir
Q What was your mother's name? A Frances.
BY MR. SMITH, of Counsel for Applicant:
Q How old are you? A 43.
Q Were you a slave? A Yes, sir.
Q Did you belong to the same person your mother did? A Yes, sir.
Q Who did you belong to? A Doctor John Thornton
Q Was he a Cherokee? A Yes, sir.
Q Cherokee Indian? A Yes, sir.
Q Citizen here in the Cherokee Nation? A Yes, sir.
Q Where were you living at the time of the Civil War closed?
A I was living down here in Going Snake, that is what they told me.
Q Have you a sister? A Yes, sir.
Q What is your sister's name? A Elizabeth.
Q Is she older or younger than yourself? A She is younger.
Q How much younger? A About 17 months I guess, or two years.
Q Do you remember when you came back to the Cherokee Nation after the war? A Yes, sir, I remember none.
Q Who did you come back with? A I came back with my father.
Q Well who else was alone if any body? A Wasn't anybody else but my brother and sister.

Q Well, name them ; state who they were, were they in your father's family? A At this time my father and then me and my brother, Joshua, and my sister, Eliza, and George.
Q Who is her name now? A Eliza Keyes.
Q And yourself? A Yes, sir.
Q Well where have you beenliving since that time? A I have been living right on Big Creek.
Q Been living in the Cherokee Nation ever since? A Yes, sir.
Q Are these children living with you? A Yes, sir
Q Have they all lived in the Cherokee Nation? A Yes, sir.
Q Born here? A Yes, sir.

BY W.W.HASTINGS:

Q Where were you married? A I was married on Big Creek.
Q Who married you? A Squire Elliott.
Q Colored man? A White man.
Q Was every one of these children born here? A Yes, sir, every one of them.
Q You are positive about that? A Yes, sir, I am positive.
Q You come back with your brother, George? A Yes, sir; I come with him.
Q You come right to the place your brother is living right there on Big Creek? A Yes, sir.
Q About eightmiles from the Kansas line? A I suppose, but I don't know just how far.
Q Can you remember that trip? A I can remember some thing about it not everything.
Q Who were your nearest neighbors at that time? A There wasn't hardly anybody where we first moved.
Q Did youknow William Noble or Albert Morris? A Yes, sir, I got acquainted withhim.
Q How far did they live from you? A Mr. Noble as I don't know where he lived, I didn't see Mr. Noble
Q Wouldn't you know him? A No sir.
Q Did you know Albert Morris? A Yes, sir, ; I got acquainted with him when he was here a while.
Q About how long do youthink? A Idon't know, sir, about how long; I was small and didn't pay any attentionto time. I remember seeing him but I dont know justwhen.
Q Did you see anyof the Delawares up there atthat time? A I don't remember seeing any as I remember of.
Q What Cherokee citizens lived near when when you first came? A There wasn't anybody living there at all, wasn't anyone living there, right in the bald prairie by ourselves.
Q How far from any colored houses? A About eight or ten miles from any colored houses.
Q Mr. Noble afterwards located near you? A Yes, sir/ Mr Brown located, a white man, first. I didn't know anything about Mr. Noble for a good while.

The 1896 authenticated rollof Freedmenof the Cherokee Nation examined and names of applicants not found thereon.
The Kern Clifton roll of Freedmen of the Cherokee Nation examined and names of applicantsfound thereon as follows:
Page 1[illegible], #4476, Sarah Moss, Cooweescoowee District.
Page 1[illegible], #4478, Julia Moss, Cooweescoowee District.
Page 1[illegible], #4479, Sanford Moss, Cooweescoowee District.
Page 182, #4480, Howard Moss, Cooweescoowee District.
Page 182, #448[illegible], Samantha Moss, Cooweescoowee District.
Page 182, #4482, Rutherford Moss, Cooweescoowee District.
Page 182, #4483 Emira Moss, Cooweescoowee District.
Page 182, #4484, Dwight Moss, Cooweescoowee District.
The Wallace roll of Freedmen of the Cherokee Nation examined and names of applicants found thereonas follows:
Page 131, #2750, Sarah E. Moses, Cooweescoowee District
Page 131, #2752, Julia Moses, Cooweescoowee District.

BY COM'R NEEDLES:
Q Are these children all living at this time? A Yes, sir.
Q Were they all born in the Cherokee Nation? A Yes, sir.
BY MR. SMITH:
Q Where is your sister, Eliza Keyes, where does she live? A She lived right in the Territory.
Q What Nation? A In the Cherokee Nation.
Q How far does she live from you now? A She lives about eight miles from me.
Q Has she lived here ever since you all came back? A Yes, sir.
BY COM'R NEEDLES:
Q Do you recollect about how old you were when you returned? A No, sir, I don't.
Q You were not grown you say when you came back? A No, sir.
ALLEN LYNCH, being sworn by Commissioner T.B.Needles, testified as follows: BY MR. SMITH:
Q State your name? A Allen Lynch.
Q Where do you live? A Live at Vinita.
Q Are you a Freedman citizen, citizenof the Cherokee Nati n?
A Yes sir.
Q Are you on the 1880 roll? A Yes, sir.
Q Do you know Sarah Moss? A Yes, sir, I know h .
Q How long have you known er? A I have knowedher ever since she was a little girl.
Q Did you knoe her mother? A Yes, sir.
Q And her father? A Yes, sir.
Q Who was her mother? A Her mother was named, I can t call her name: she belonged to Doctor Thornton.
Q Was he a Cherokee citizen, Thornton? A Yes, sir
Q What was this girl's mother's name? A Youasked me that but I just got it out ofmy mind not; Fanny Thornton.
Q Where were they living at the time the war commenced? A The old man, I don't know where these was living exactly, but the old man [illegible] old man Burtoff down at Tahlequah.
Q When did you first see Sarah Moss after the war? A Back in the Cherokee Nation? A I never seen her until '67, somewhere along there.
Q Did you see her father or mother earlier than that? A I saw the old man.
Q Where did you see him? A He was down to Art Williams'
Q Where was that? A On Grand river.
Q What was he doing there? A They told us they come down to look out a location, he was there resting up his horse when I saw him.
Q What was this old man's business, occupation? A Preacher.
Q Did he preach any since? A Yes, sir.
Q Did you know Eliza Keyes? A Yes, sir.
Q What kin is Eliza Keyes to Sarah Moss? A Sister
Q What is her father? A Old man Nathan Tyner wo called him.
BY W.W.HASTINGS:
Q You lived 30 or 40 miles from Big Creek didn't you? A Yes, sir, I do now.
Q You did then didn t you? A Yes, sir, I owned place up there.
Q Not then? A No sir, but afterwards.
Q Where did Nathan Duffin tell you his family was? A His family was in Kansas.
Q First saw him there? A Yes, sir.
Q See him a day or two? A I think he was down there about ten days.
Q You testified in the case of George B. Duffin didn't you?
A Yes, sir.
BY COM'R NEEDLES:
Q Do you know when Nathan Duffin made a home in the Cherokee Nation, built a house or anything like that? A No, sir.
Q You don't know when he brought his family down? A Nolsir.
BY MR. SMITH:
Q What time did he come down and you saw him on Grand river?

A Sometime in the fall, September or October.

SAM WEBBER, being duly sworn by Commissioner T.B. Needles, testified as follows:

BY MR. SMITH:

Q State your name? A Sam Webber.

Q What is your post-office? A Nowata.

Q How old are you? A About 58.

Q Are you a citizenof the Cherokee Nation? A Yes, sir.

Q Are you on the 1880 roll? A Yes, sir.

Q Do you know Sarah Moss? A Yes, sir.

Q That is the applicant? A Yes, sir.

Q How long have you known her? A I have known her ever since her father brought her there to Big Creek.

Q When was that? A That was some time, near, as near as I could remember, before Christmas, in '66, a short time before Christmas.

Q A short time before Christmas in '66? A Yes, sir, it was sometime along about that.

Q Did you know Eliza Keyes? A Yes, sir.

Q Do you know her now? A Yes, sir.

Q What kin is Eliza to Sarah? A Sisters.

Q Who was her father, Sarah Moss' family? A We called him uncle Nathan Tyner and some called him Nathan Burtoff.

Q Who was Sarah Moss' mother? A I know her since the war, but I doesn't believe I can state her name now.

Q State who old man Tyner brought when he come back there in '66? A He brought his wife and two boys and two girls.

Q What boys? A George and Joshua.

Q And the two girls what were their names? A Eliza and Sarah.

Q Where has Sarah Moss beenliving since you first knew her up there in '66? A She lived on Big Creek.

Q How far does she live from you? A Tenor twelve miles; away up the creek, maybe more than that, too; there up the creek there, on Big Creek.

Q Where has Eliza Keyes beenliving since that time; since you knew her in '66? A After she married John Keyes she was around; I didn't know just where they located, I think they lived a while on; I don't be certain. I don't know where John Keyes liged.

Q How old was she when she married? A I don't know.

Q Where did she live up to the time she was married? A Lived with her father there on Big Creek.

Q Where did old Sarah Moss live up to the time she married? A Lived with her father.

BY MR. MARTINES:

Q Mr. Webber, where did youlive in the fall of '66? A Lived on Big Creek.

Q How far from where these people located? A When they first came there and built a little house for the old man and woman that lived with us, old Uncle Sias and Aunt Rhoda, theylived in the house by me.

Q Was Nathan Butlinn? A Yes, sir; and he went up the Creek and got a claim and built there.

Q How long before he built his place up the Creek? A He was working on the place there.

Q Why didn't you testify for these people five years ago? A They didn't ask me.

Q You knew about it? A I could testify for them if theyhad asked me.

Q A great many people came in that fall? A Yes, sir; lots of people came in that fall; they were dropping in all the fall.

Q You can remember distinctly when certain people came in there 35 years ago? A I remember them because the old man was a preacher and lived right there inmy house.

Q Did William Noble live on Big Creek? A I don't know anything about him.

Q You deny that William Noble helped put up his first house?

A I don't know anything about that.

Q Well, Albert Morris was living there? A He didn'tlive there.

Q Well, Albert Morris, was living there? A He didn't live there.
Q You are the man that testified that you come down here with your father in1865, and went to Fort Gibson? A Yes, sir.
Q And a delegation composed of your father and some of them went up to see Chief Downing? A Yes, sir.
Q You said you stayed at Fort Gibson three or four weeks?
A I don't remember just how long I stayed; we stayed there a while and went on up on Verdigris and wintered.
Q You testified that you went up on the Verdigris and wintered in 1865? A Yes, sir.
Q Now who was along with you during that winter of 1865?A Jess Brown, Lon May, John Stopp, Toby Drew and son and one woman.
Q Are any of them alive now?A There is one womanalive.
Q What is her name?A Her name at that time was Sallie French, and her name now is Sallie Wright.
Q Was she the only woman in the crowd?A Yes, sir.
Q Was she married? A Yes, sir.
Q Who was her husband then? A Me, I got her at Fort Gibson ; my first woman.
Q Well you went down there in the fall of '65? A Yes, sir, took Laru with me.
Q I believe you testified that you people come down there in the last of July or August and put up houses? A Yes, sir.
Q And that you permanently moved down there in the fall of '66?
A Yes, sir.
Q Did you have more thanonce house built when old man Duffin come?
A Built a little shanty for the old folks, we couldn't all stay in the house.
Q What relation are you to these people?A None.
Q You didn't marryinto their family? A No, sir.
Q They have not married into your family? A No, sir.
Q Don't you belong to a Committee thatis appointedby those people up there?A I aint on no Committee.

SARAH MOSS, the Applicant, re-called;

EXAMINED BY MR. SMITH:

Q Have you a place in the Cherokee Nation?A Yes, sir.

W.W.HASTINGS: Comes now the Representatives of the Cherokee Nation and object to the question for the reason that even if the applicant is a trespasser in violation of the laws of the Cherokee Nation, it would be no indication that she returned and complied with the provisions of the Treatyof 1866.

Q How long had you had that place? A I have had that place 20 years, 22.
Q How long?A I have beenon my place about 20 years.
Q Have you ever gotten any permits from the Cherokee Nation?
A No, sir.

COM'R NEEDLES:

Sarah Moss applies for the enrollment of herself and eight children, to-wit: Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie. Her name cannot be found upon the authenticated roll of 1880 or the census roll of 1896. She is duly identified up on the Kern-Clifton roll and Wallace roll. The names of her children with the exception of the youngest, Willie, are duly identified upon the Kern-Clifton roll. She avers that she is a sister of George B. Duffin, who was listed for enrollment on this dayon Doubtful card #505, and the testimony taken in the case of said George B. Duffin will be made part of the record in this case and a copy of the same will be filed with the testimony now being taken. She makes satisfactory proof as to residence and she and her children as enumerated hereinwill be listed for enrollment as Cherokee Freedmen on a doubtful card. It will be necessary for her

Sarah Moss et al

to file with this Commission satisfactory proof of the birth of her youngest child, Willie, whose name does not appear upon any roll. She will be duly notified of the decision of the Commission when the same is arrived at.

---oooOOOooo---

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof

(signed)J.O.Rosson.

Subscribed and sworn to before me this 8th day of June, 1901.

(signed)T.B.Needles,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M.D. Green

Subscribed and sworn to before me this September 11th, 1901.

Commissioner.

TRIBES

File with C. F. D. 510 George Nathan Moss

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I. T., JUNE 5th. 1901.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee Freedman; said Duffin being sworn and examined by Commissioner T.B.Needles, testified as follows

Q What is your name? A George B. Duffin.
Q How old are you? A I was born in '51.
Q Well how old would that make you? A 49 I guess, about 49.
Q What is your post office? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever been recognized by the Cherokee authorities?
A I have been voting and issuing permits.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on anyof the rolls of the Cherokee Nation? A It is on the Kern and Wallace roll.
Q Who do you want to enroll? A None but myself.
Q What is your father's name? A Nathan.
Q Is he living? A No, sir.
Q What is your mother's name? A Francis Duffin.
Q Is she living? A No, sir.
The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.
The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 110, #2345, George B. Duffin, Cooweescoowee District.
Q Were you a slave, Mr. Duffin before the war? A Yes, sir.
Q To whom did you belong? A Dr. John Thornton.
Q Was he a [illegible] citizen? A Yes, sir.
Q Were you taken [illegible] of the Cherokee Nation during the war?
A Yes, sir.
Q Where [illegible] Fort Scott, Kansas.
Q What did you do? A The United States troops.
Q Were you a soldier? A Yes, sir; I was a child.
Q When did you return to the Cherokee Nation? A In the summer or fall of '66.
Q Where did you come to? A Big Creek.
Q Have you been living in the Cherokee Nation ever since that time?
A Yes, sir.
Q Are you married? A No, sir.
Q Ever beenmarried? A No, sir.
Q You sayyou have lived in the Cherokee Nation? A Yes, sir.
Q Had permits issued to you? A Yes, sir.
Q What did you return with? A Just the family, we came down, father came down in the summer of '66, with quite a troop of them and sold his home and he went back and sold his crop that fall and [illegible] and arrived on Big Creek in the fall or November of '66.
Q What did you say your owner was? A Doctor John Thornton.
Q Did he own your father and mother? A No, sir.
Q Whom did you belong to? A He owned mother.
Q Did your father and mother return withyou? A Yes, sir, and four children.
Q They are born dead are they? A Yes, sir.
Mr. W. MASTINGS Cherokee Representative:
Q What was your mother's name? A Frances Duffin.
Q Do you sometimes go bythe name of George Keyes? A No, sir.
You have a sister by that name? A Eliza Keyes.
Q You have another sister Sarah Moss? A Yes, sir.

Q When you came back you came to Big Creek? A Yes, sir, when we moved.
Q What part of Big Creek was it? A Near the head of Big Creek, near about eight miles fromthe Kansas line.
Q How far is that from Snow Creek? A About ten miles, east ten or 12 miles.
Q Any other family come with you except yours? A No other family.
Q You came right there and locatedfirst? A Yes, sir.
Q Who was living around there atthat time? A On Big Creek?
Q Yes. A Well, there was Andy Dougherty.
Q Was he a Freedman? A Yes, sir; Daniel Sanders, Mike Sanders, and Sam Webber.
Q They were all living on Big Creek were they? A Yes, sir; some of them in houses and some partly in tents and so forth.
Q They had come before you? A Yes, sir.
Q Had they made a crop there thatyear? A They had some little patches killed out.
Q Had corn in them? A They had gathered what corn theyhad, it was in November when I got there.
Q Did you know Jim Martin? A Did I know him?
Q Yes. A Yes, sir.
Q How far do you live from him? A I live about 12 miles from where he lives.
Q Do you know William Noble? A Yes, sir.
Q Where did he live?A He lives about four miles now.
Q How long has he lived there? A I got acquainted withhim in November in the fall of '70.
Q He was not there then? A No, sir. The place he lives on now was made by Doctor Brown.
Q Was any Cherokees living near that place when you came? A Yessir
Q From what place in Kansas did you come? A Anderson County.
Q What point? A Near Garney.
Q Did you come by way of Chetopa? A Yes, sir.
Q Through whatother towns did you pass?A In our coming?
Q Yes. A We came down through a little town that was called Osage Agency I think; thatis about the only town I remember of; we came throughseveral towns, but we came through what is known as the Osage Nation or the Osage Mission, I don't remember how; I remember there was Osage to it.
Q Did you pass by any Cherokee houses in the Cherokee Nation?
A No, sir.
Q Didn't see any at all? A No, sir; never seen a house after we left the little village of Chetopa until I come down to Big Creek.
Q You came down by way of Chetopa and then turned west? A Yessir.

Permissionis granted Mr. Edgar Smith to interrogate the applicant:

Q You state Eliza Keys was your sister? A Yes, sir.
Q And whatis your other sister's name? A Sarah Moss.
Q Who was with you when you came back from Kansas? A Just two wagons, the family.
Q Well, state who was in the family? A My father, mother, brother and two sisters.
Q What are your two sisters' name? A Sarahand Eliza and Joshua.
Q Was Sarah or Eliza older than you? A They are younger.
Q Are they both your full sisters? A Yes, sir.
Q To whom did they belong? A The sameman, Doctor Thornton.
Q Did they go out with you? A Yes, sir.
Q Come back withyou? A Yes, sir.
Q When do yousay they came back into the Nation after the war?
A In the fall of '66.
Q Where did they take up their residence; where did they live after they came back here in the fall of '66? A They lived until they became woman in the house with us and Sarah lived withus part of the time; two of her children were born right in Father's house.

Q Those two sister you have named lived with you and your father?
A Yes, sir.
Q Where was your father's house? A About eight miles from the Cherokee line on Big Creek.
BY W.W.HASTINGS:
Q Were these girls married when you come down here?A They was quite small, small children.
Q Have you ever worked in Kansas after you come down here?
A Yes, sir, I have been working a gread deal from '87, I travelled in the Ministry.
Q Are you married? A No , sir.
Q Where were you traveling in the Ministry? A All through this Nation and in Kansas, in Arkansas, until '84, father was taken sick and I was going to school.
Q Where? A Baker University, in Kansas.
Q You remember the Osage Mission? A Yes, sir.
Q You remember Chetopa? A Yes, sir; thatis what they was on Chetopa, you know there was not much of Chetopa; there wasn't but one or two stores.
Q I know it was not named until '67?? A I think it was there.
BY COM'R NEEDLES: Do you own any improvements in the Cherokee Nation?A Yes, sir.
BY W.W.HASTINGS:
Q You knew that youwere not a recognized citizen of the Cherokee Nation? A Well, I don't know.
Q You knew the Cherokees didn't recognize you? A Yes, sir.
Q What did you make your home for when you knew they didn't recognize you? A I knew I was'nt a citizen if I come by the Cherokees' recognition.
Q You then went out on the public domain and took a home?
A Yes, sir.
COM'R NEEDLES
Q Do you know the reason your name is not on the roll of 1880, Mr. Duffin? A No, sir; in 1880 the census taker came to my father's house andeat supper and breakfast and thenext morning them taken allof our names and I don't know what they done with them.
BY W.W.HASTINGS:
Q What was their names? A I don't know; I didn't know any Indians then only those down in Going Snake District, where I was bred and born.
BY MR. SMITH:
Q You spoke of Chetopa having one or two stores; do you know whether it was named at that time or not? A No, I don't.
Q You had reference to theplace? A Yes.
BY MR. HASTINGS:
Q You heard me say it wasn't named since you give the other testimony didn't you? A I don't remember what yousaid in that regard.
COM'R NEEDLES:
Q Now, Mr. Duffin, you passed by the place that is now called Chetopa didn't you? A Yes, sir.
Q How old were you when you passed by there?A Well I guess I was about 1 ; I think I was 14 when we came to the Nation.
BY MR. HASTINGS:
Q When did you first see Allen Lynch after the war, on Big Creek?
A No, sir, I don't remember; I have knowed him nearly all my life.

ALLEN LYNCH BEING SWORN AND EXAMINED BY COMMISSIONER T.B. NEEDLES, testified as follows:

Q What is your name? A Allen Lynch.
Q Whatis your post-office? A Vinita.
Q How old are you, Mr. Lynch? A 61 years old.

Q You are a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Name on the roll of 1880? A Yes, sir.
Q Do you know the applicant, George B. Duffin? A Yes, sir.
Q How long have you known him? A I have known him ever since he was a little boy.
Q Was he a slave? A Well, yes, sir; that is, his parents was.
Q Do you know to whom he belonged? A His father belonged to a man by the name of Tyner.
Q Do you know who his mother belonged to? A His mother belonged to Dr. Thornton.
Q Well now, do you know whether the applicant was taken out of the Cherokee Nation during thewar? A No, sir, I don't know.
Q Where did you first see him after the war? A The first time I saw him was down here.
Q Down where? A In the Nation.
Q Where? A I never seen this man until about '67 or '68.
Q Did you see his father and mother before that? A Saw his father.
Q When? A Saw his father in October or September, 66.
Q Where was his father living then? A His father was living in Kansas and come down here and I saw him at Art Williams'.
Q Was any other man with him? A Not that I saw.
Q You don't know whether the applicant was here in 1866 or not? No, sir.
Q You know his father was? A Yes, sir.
Q Well, have you known him ever since? A Yes, sir.

BY MR. SMITH:

Q Do you know Eliza Keys? A Yes, sir.
Q What kin is she to him? A Sister.
Q Do you know Sarah Moss? A Yes, sir.
Q When did you first see them after the war? A I never saw any of the family until after they moved down except the old man until along in '67, somewhere along in there.
Q Where were they living when you saw them? A They were living over on Big Creek, and the old man come over there on Grand river and preached for us.
Q Whatyear was that? A In '67 or '68, and on along until he died.

BY MR. HASTINGS:

Q Allen, do you draw a pension? A Yes, sir.
Q For a wound that was inflicted during the war? A Yes, sir.
Q On the point of the left shoulder? A Yes, sir.
Q Where was that wound inflicted? A At Honey Springs.
Q Down here? A Down in the Creek Nation.
Q What year? A '64 I believe, July 16th, I think that is the time.
Q Now where did you see this man Duffin over on the Grand river? A At Art Williams' on Grand river.
Q Were they living over there? A No, sir; they were there looking around.
Q Did they go back to Kansas? A Yes, sir, they went back to Kansas

FILMORE HICKS, being sworn and examined by Commissioner T.B.Needles, testified as follows:

Q What is your name? A Filmore Hicks.
Q Post office? A Vinita.
Q Are you a Cherokee citizen? A Yes, sir.
Q By blood? A Yes, sir.
Q Do you know George B. Duffin, the applicant? A Yes, I amacquanited with him.
Q How long have you known him? A I don't know exactly how long; I have known him; I have known him 25 years I reckon.
Q Do you know whether he was a slave before the war? A No, sir, I don't.
Q Do youknow whether he was taken out of the Cherokee Nation during the war? A No, sir.

Q When did you first see him after the war? A I met him about '73 or '74.
Q Did you know his father? A Yes, sir, I knew his father.
Q And his mother? A No, sir, I didn't know his mother.
Q Where did you first see his father after the war? A On Grand river at Lynch's prairie.
Q Whatyear? A '66.
Q Did he have his family with him? A No, sir.
Q Did you see any other members of his family, his sisters?
A In '66?
Q Yes? A No, sir.
Q Didn't see anybody but the old man? A No, sir.
BY MR. DUFFIN, the applicant:
Q I would like to ask Mr. Hicks before this Commission what was father's business down in '66? A Well I saw him up there at Lynch's and he was talking about looking out for places him and Tom Lawfield together looking for locations.
BY MR. HASTINGS: He went on back to Kansas? A I suppose so.
COM'R NEEDLES: Q How do you know? A I don't know.
Q Did you testify for Aaron Martin? A Yes, sir.
Q Anderson Lynch, commonly known as Crap Lynch, testified for him?
A No, sir, I don't think he did.
Q Didn't Aaron Martin promise to give you and Anderson Lynch a mule to testify for him? A Promised to pay.
Q What? A Yes, he paid us for it.
Q A mule? A Yes, sir.
Q What is the mule worth? A I don't know
BY COM'R NEEDLES:
Q When was that? A When the commission was at Vinita.
Q Well, he was as good as his word and paid the mule did he?
A Yes, sir.
MOSES RILEY, being sworn and examined by Commissioner T. M. Needles, testified as follows:
Q What is your name? A Moses Riley.
Q Whatis your age, Mr. Riley? A About 51.
Q Post office address? A Chelsea.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.
Q Well, do you know the applicant, George W. Duffin? A Yes, sir.
Q How long have you known him? A All my life, might near.
Q Was he a slave? A I never saw him when he was a slave, I saw his father.
Q His father was a slave was he? A Yes, sir.
Q Do you know whether George here was taken out of the Cherokee Nation during the war? A Yes, sir
Q Where was he taken? A Kansas.
Q Who took him? A I don't know, sir, who took him
Q You saw him in Kansas? A Yes, sir.
Q Did you know whenhe returned to the Cherokee Nation? A His father returned here the fall of '65, or somewheres along about there.
Q Did his father have his family withhim? A He didn't when I saw him.
Q You say his father didn'thave his family with him? A No, sir, his father was at my father's house.
Q When did you first see George? A I knew George a little before Christmas.
Q Little before Christmas? A Yes, sir.
Q What year? A The same winter.
Q The same winter that you saw his father in the summer? A No, sir. I saw his father, I never saw his father until the winter.
Q When did you see George? A I saw him the same winter, saw him on Big Creek.
Q Do you know whether the was '66 or '67? A Winter of '66.
Q Was his father keeping house there? A Yes sir. his father was

keeping house.
Q George was one of the children? A Yes sir.
Q George was a minor; was he under 21? A Yes, sir.
BY W.W.HASTINGS:
Q Rose, you are a son of Riley Mc Nair? A I guess so thatis what I am claiming to be.
Q That is what you swore? A Yes, sir.
Q You are on a doubtful card yourself? A I expect so, I am not on the 1880.
Q You applied at Vinita and you know it?A Yes, sir.
Q Were you present the other day when Mrs. Martin Thompson testified in your case? A Yes, sir.
Q Where did you go whenyou rentumed to the Cherokee Nation yourself? A Returned to the old McNair place inSaline.
Q What time did you reachthere? A In the fall, sir.
Q How old were you then? A I don't know, sir, how old I was.
Q Grown? A No, sir, I wasn't grown I know.
Q Just a boy? A Somewheres along between a boy and a lad.
Q Now, how far is Grand river from Big Creek? A Yes, sir.
Q From where you lived on Grand river to where this manlived on Big Creek: A I expect it must have been about 30 miles, I expect from where we was then.
Q Lots of other people living up on Big Creek atthe time? A Yes, sir, lots of darkies.
Q Lots of them? A Yes, sir, lots of them.
GEORGE B. DUFFIN, the applicant, re-called;
BY COM'R NEEDLES:
Q Your earliest recollection where were you? A My earliest recollection I was down here in Going Snake District about six miles they called it from Dutch John, that is where I was born.
Q Then you recollect going to Kansas? A Yes, sir, I nevercould forget that, we left the Nation with about 50,000 soldiers, and they carried us about 20 miles horseback.
Q Now, whenyou returned did you return with your father's family? A Yes, sir.
Q Youdon't recollect whether your father had been down in the Cherokee Nation before he went back after his family or not? A Yes, sir, he came down the summer preceding the fall looking out a location.
Q Then went back to Kansas after his family? A Yes, sir.
Q Did he bring your mother? A Yes, sir; well out crops and effects there all we could haul and come on down.
Q You were quite a child then? A Yes, sir.
Q About how old were you? A It has been quite a while but I think I was about 14.
Q You have been living in the Cherokee Nation ever since? A Yessir
Q Youhave been out occasionally in the Ministry, around inthe different states? A Yes, sir, I have been in Missouri, and Kansas and Arkansas and in this Nation.
Q Have you ever established a home outside? A No, sir. I went two years to school at Baker University.

COM'R NEEDLES: George B. Duffin applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is fully identified upon the Kern-Clifton roll and Wallace pay roll. By reason of the fact that his name is not on the roll of 1880 and the further fact that his citizenship is contested by the Cherokee Nation, George B. Duffin will be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be notified of the decision of the Commission when arrived at.

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George F. Duffin 8

J.O.Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(signed)J.O.Rosson.

Subscribed and sworn to before me this 7th day of June, 1901.

(Signed)C.R.Breckinridge,
Commissioner.

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M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript

M D Green

Subscribed and sworn to before me this September 11th, 1901.

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5,1901.

In the matter of the application of George Nathan Moss for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Smith, of Mellette & Smith, for applicant;
W.W.Hastings, for Cherokee Nation.

Q What is your name? A ~~George~~ Nathan Moss.
Q How old are you? A 22
Q What is your post-office address? A Kinnison.
Q What District do you live in? A Coowesscoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q You want to enroll anybody but yourself? A No one but myself.
Q Are you married? A No sir.
Q What is your father's name? A Richard Moss.
Q What is your mother's name? A Sarah Moss.
Q You always lived in the Cherokee Nation? A Yes sir.
Q Born in the Cherokee Nation? A Yes sir.
Q You ever tried to be enrolled by any other tribe or nation?
A No sir.
Q Is your name on the authenticated roll of 1880? A Not as I know of
Q Did you draw what is known as the Strip money? A Yes sir.
Applicant: I go by the name of George Moss too.
Q How do you happen to go by the name of George? A My name is George Nathan.

Harris-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 132 #4477 George Moss, Coowesscoowee District.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 131 #2751 George N. Moss Coowesscoowee District.

Examined by Attorney Smith:

Q Who was your mother? A Sarah Moss.
Q Is she the same Sarah Moss who applied here this morning for enrollment? A Yes sir.
Q Have you any uncles? A Yes sir.
Q What's their names? A Joshua and George Duffin.
Q Have you an aunt? A Yes sir.
Q What is her name? A Eliza Keys.
Q Are they the same persons who just applied here for enrollment of themselves? A Yes sir.

Cherokee Representative W.W.Hastings waives examination of applicant.

Comr'r Needles: George Nathan Moss applies for the enrollment of himself, his name does not appear upon the authenticated roll of 1880 or the census roll of 1896; but he is duly identified upon the Harris-Clifton and the Wallace rolls, and he makes satisfactory proof as to residence; he avers that he is a nephew of George W. Duffin, and a son of Sarah Moss, who have been this day listed for enrollment as Cherokee Freedmen on doubtful cards 505 and 506 respectively; the testimony in said cases will be made part of the record in this case at bar, and copy of same will be filed. Consequently, the said George Nathan Moss will now be listed for enrollment as a Cherokee Freedman upon a doubtful card; he will be notified of the ac-

Creek Nation Case xx xx 2

tion of the Commission in his case when arrived at, by mail.

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I, [illegible], being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

[illegible]

Subscribed and sworn to before me this June 6, 1906.

[illegible]

Commissioner.

File with case of George N. Moss, C.F.-D.#510.

Subl.C.T.-D.#505.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WICHITA, I.T., OCTOBER 25th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of George N. Duffin as a Cherokee Freedman, introduced on part of the Cherokee Nation:

Appearances:
Mellette & Smith, Counsel for applicant;
Mr. Hastings, of Counsel for Cherokee Nation.
(Witnesses called, sworn and placed under the rule.)

W. A. JOHNSON, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A W. A. Johnson.
Q What is your age, Mr. Johnson? A 71 years.
Q What is your post office address? A Barnett, Kansas.
Q How long has that been your post office? A Since 1858.
Q Did you know a colored man by the name of Nathan Duffin?
A Yes, sir.
Q Did you know his wife, Frances? A I don't know what his wife's name was.
Q You knew her, knew he had a wife? A I knew he had a wife.
Q Did you know any of his children? A I knew two boys, two sons, young men.
Q Do you remember their names? A I do not, I don't know that I ever knew their first name.
Q Did he have any girls you remember? A Yes, he had a couple of girls, but I don't know what their names was.
Q Well, when did you first learn to know this family? A About '66.
Q Where did they live at that time? A They lived in the vicinity of Garnett, Kansas.
Q Live on the farm? A Yes, sir.
Q Did you know what old man Duffin's occupation was?
A He was a preacher.
Q How long did they continue to live in that vicinity from 1866?
A My recollection is that they were there in the spring of '70.
Q That fixes that date as the date that you think they were there last? A That was the date in which the Leavenworth, Florence & Galveston railroad was built to Garnett, and they were there during the building of that road until it was down to Garnett, and I know that they were there from the fact that they hauled railroad ties right past my house to the road until it was finished.
Q How far did they live from you, Mr. Johnson? A About two mile and a half.
Q Did you have occasion to see them frequently? A Saw them almost ever day, that is the two young men.
Q Did any of them ever work for you? A Yes, sir, I had them chop wood for me.
Q You remember when that was? A I think that was in the winter of '67 and '8.
Q I believe you stated that you are a practicing attorney at Garnett, Kansas? A Yes, sir.
Q You also stated in another case that you had been County Attorney and Judge? A Yes, sir.
Q Up in the States of Kansas? A Yes, sir.
Q You didn't know but two boys of Duffin's? A That is all I have recollection of now.

MR SMITH: Mr. Johnson, you don't know whether the men or the boys that you knew there whose names you didn't know are the men who apply in these applications for enrollment do you? A No, sir, I do not, I haven't seen the men since they left Kansas.
Q Now, when did you last see the girls? A It was somewhere about the spring of '70.
Q Well, now, you spoke of the boys having got wood for you in '67 or '8, did you have any occasion to know anything about the girls at that time? A Nothing more than the fact that the girls were there about the house where their father lived, the man I supposed to be their father.
Q Where did they live? A They lived about two miles southeast from Garnett on the farm owned by Judge Campbell.
Q They lived out in the country on the farm? A Yes, sir.
Q And you lived in Garnett? A No, sir, I lived adjoining Garnett.
Q Did you live on a farm? A Why I lived on a small tract of land adjoining the City.
Q Well practically you lived in Garnett? A Yes, sir, my office was in Garnett and has always been.
Q When was the last time you could state that you have been at the house of these people? A I could not state that exactly, but it was sometime about the time the railroad was completed to Garnett.
Q Well, you stated that you remember seeing the father and I don't know whether you said the boys or not, working there hauling to the time the railroad came there, but did you see the girls at the same time, they weren't hauling? A No, sir, but I frequently passed the place, I have seen them around the house.
Q Who would you see around the ho use? A I would see some girls there.
Q How many? A Two that I remember.
Q What was the difference in their sizes? A I have no recollection now whether there was any particular difference in the sizes or not.
Q You don't know what two girls they was? A No, sir; I understood that they were Duffin's girls.
Q Were you ever at the house? A Yes, sir, I have been at the house, not in the house but I have been at the house.
Q When did you first know Duffin? A I think it was in the winter of '66.
Q Can you state positively whether Duffin was there in the winter of '66 and spring of '67? A In the Spring of-
Q Winter of '66? A Well, that is my best recollection.
Q But you can't state that positively? A No.
MR. HASTINGS: You mean to say by that that you don't know just any one time or what did you mean by that? A I mean by that that I could not be positive about just the exact time I saw him there.
Q Did you ~~xxxx~~ see him up until the spring of '70? A Yes, sir, I saw him frequently then.
MR. SMITH: Now, let me understand you, I want to know whether you can state positively whether he was there at all during the winter of '66 and spring of '67? A I would say he was.
Q Now, what time did you see him in the spring of '67? A I could not say just what time, there is nothing by which I could distinctly fix the time.
Q If you can't fix the time you don't know he was there?
A Well, sir, I had just come home from the army during the winter of '65, and when I came home a short time afterwards x I got acquainted with him.
Q Well, now, how long afterwards? A I could not say how long.
Q About how long? A It has been a good long time ago, about, probably it was three months.

Q. That time did you get home from the army? A. I got home on the day of the election in November.
Q. That was in '65? A. Yes, sir.
Q. And you don't know within three months of that time you first got acquainted with Duffin do you? A. Yes.
Q. No, what time? A. I say about three months after that.
Q. About three months after November, 1865? A. 1865.
Q. Then one year from that time where was Duffin? A. I could not say just where he was just one year after that.
Q. Have you anything by which you fix these dates at all, or are you testifying from your independent recollection of facts?
A. I am testifying from my recollection of facts, except I know that the railroad was completed to Garnett on the first day of May 1870, and that they were there then.
Q. Can you state with reference to the two girls you mentioned when, before that railroad was completed, when you last met them and under what circumstances? A. No, sir, I could not state under what circumstances I saw them at any time, simply see them there about the house as I would see any other lady.
Q. Was there a man up there named Amby? A. Hamby.
Q. Hamby? A. Yes, sir.
Q. Did they live on his place? A. I am not certain whether they did or not.
Q. Do you have any recollection of their ever being on there or living on that place at all, Hamby's place, the preacher?
A. No, sir.
Q. Well, what do you say about that, were they on his place, or do you remember? A. Not that I recollect of and I think too they lived, but I am not positive about that, it has been a long time ago, and I haven't thought about those matters.
Q. Did you see this man, Nathan Duffin, in October, '66?
A. I could not say whether I did or not.
Q. Can you state whether ix he was in Kansas during October or September, '66? A. It could be my recollection that he was, but I could not fix any particular time that I saw him in the fall of '66.

Mr. Needles: This testimony will be made part of the record in the case at bar, D-505, and also will be made part of the record in Cherokee freedmen cases D-506, D-507, D-509, D-510.

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J. O. Mosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this November 12th, 1901.

Commissioner.

~~B. D. 511.~~

To be filed in the case of George B. Moss Cherokee Freedmen Doubtful 510.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of George B. Duffin for the enrollment of himself as a Cherokee freedman.

APPEARANCES:
Mellette & Smith for applicant.
W. W. Hastings for the Cherokee Nation.

J. M. Johnson, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A. J. M. Johnson.
Q. Postoffice is Garnett, Kansas? A. Garnett, Kansas.
Q. Age is 50? A. 50.
Q. You have been a resident of Garnett since '59? A. Yes, sir.
Q. Did you know a colored man up there by the name of Nathan Duffin? A. I did, yes, sir.
Q. Did you know his family? A. I did, that is part of it, boy.
Q. Did you know what Nathan did, what occupation? A. Yes, sir.
Q. What was it? A. He was a preacher.
Q. Did you know any of his boys? A? Yes, sir, I knew George, and Joshua I think the other one's name was.
Q. Where did they live when you knew them? A. They lived about two miles and a half of Garnett.
Q. Two miles and a half of Garnett? A. Yes, sir.
Q. Well now how long did they continue to live there? A. They lived there until they lived there in the year '70, and I don't know just what time they left.
Q. They left sometime after that? A. they left after that, yes, sir.
Q. Did you see them frequently? A. Yes, sir, I worked with him on the railroad in '70.
Q. What railroad was that? A. The Santa Fe, then at that time was L. L. & G.
Q. Do you know they were there when that railroad was built?
A. Yes, sir they were hauling ties.
Q. And that is why you fix that date? A. Yes, sir.
Q. And did they live there from the time you first knew them up to that time? A. Yes, sir.
MR. SMITH: When was it you first knew them? A. In '65.
Q. Who did you first become acquainted with? A. The old gentleman.
Q. What year was it when you first knew George Duffin? A. The same year.
Q. What time of the year did you become acquainted with George?
A. Some time about the spring of the year, I think.
Q. Well when did you first become acquainted then with the old man?
A. Now I don't think - I think it was in the spring of '65.
Q. Well how long a time had elapsed between the time you first knew the old man until you knew the other? A. Only a short time.
Q. Well about how long? A. Probably not more than a week or ten days.
Q. How old was George at that time? A. I couldn't say; he was about my age, I think a little older.
Q. What was the old man's name? A. Nathan, yes, sir, that's what we called all of them.
Q. He was a preacher, the old man? A. Yes, sir.
Q. What was George? A. He worked around on the farm, he and the other boy.
Q. They wasn't preachers was they? A. No, sir, they were workin out, hauling, teaming around, and farming.
Q. How far did he live from you, old man Nathan? A. Well part of the time he lived in a half a mile from Garnett, and part of the time aboud two miles and a half.

Q. From you? A. Yes, sir.
Q. Well did you remain all of the year of '65 in Kansas, in Garnett ?
A. Yes, sir.
Q. Were you there all the year of '66? A. Yes, sir.
Q. '67? A. Yes, sir.
Q. '68? A. Yes, sir.
Q. '69 and '70? A. Not all the time in '70.
Q. Well what were you doing in Garnett in the same year of '65 to '67? A. Well in the winter time I was in school; during the summer months I was working around the farm.
Q. What farm, where was your farm? A. I was farming for Spriggs and in '69 I was working on the railroad.
Q. When did you last see George Duffin? A. We were working on the railroad I think in '70, spring of '70.
Q. 32 years ago? A. Yes, sir.
Q. Well where was old man Duffin at the time George was working on the railroad? A. I think he was living up there in the county, up on the farm.
Q. Well are you sure about that? A. Not positively, no, sir.
Q. Was he in that county? A. Yes, sir.
Q. You are sure of that ? A. Yes, sir.
Q. Well if he wasn't living up there on that farm where else was he in that county? A. He might have been living over there on Mandovia, an addition to the city of Garnett.
Q. You swear that he was in Franklin County, Kansas, old man Nathan Duffin, at the time those boys were working on the railroad? A. In Franklin County, No, sir.
Q. The what county? A. Anderson County.
Q. Anderson County, Kansas? A. Yes, sir.
Q. You are sure about that? A. No, sir, I am not so positive sure about that.
Q. Well if you are not sure about it, why do you state it? A. The family left there together.
Q. Well now what do you say; was he in Anderson County, Kansas, while the boys were working on the railroad or not? A. He was .
Q. You are just as positive about that as you are to anything else that you testify to? A. Yes, sir.
Q. Now as a matter of fact don't you know that old man Duffin and the boys both had come away from there and were down here in the Cherokee Nation, and that the boys went back up there in '70 and worked on that railroad? A. No, sir.
Q. That is not a fact? A. That isn't so.

COMMISSION: This testimony will be filed with and made a part of the record in the following doubtful freedmen cases: Sarah Moss et al, D-506, Eliza Keys, D-507, Joshua Duffin, D-509, George N. Moss, D-510, and George B. Duffin, the case at bar, D-511. It appears from the records of this Commission that all of the applicants in the above named cases are represented by Mellette & Smith.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed - Arthur G. Croninger,

Subscribed and sworn to before me this 28th day of May, 1902.

Signed P. G. Reuter,
Notary Public.

Muskogee, Indian Territory, July 9, 1902.

R. A. Stevens, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly copied the testimony and proceedings in the matter of the application of George B. Duffin for enrollment as a Cherokee Freedman, D-511, and that the above and foregoing is a true and correct copy thereof.

R. A. Stevens

Sworn to and subscribed before me this 9th day of July, 1902.

B. O. Jones
Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17[illegible] filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Geo. N. Moss, D 510;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings in the above case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D-505,
et al.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., JULY 16, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the applications for the enrollment of GEORGE B. DUFFIN, SARAH MOSS, ET AL, ELIZA KEYS, JOSHUA DUFFIN, GEORGE N. MOSS, and FRANK DUFFIN as Cherokee Freedmen.

It appears that on June 4, 1904, the applicants, their attorney, and the attorney for the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on June 18, 1904, and then and there introduce further testimony touching the points mentioned in said letter, and on June 18, 1904, this case was continued by agreement until this July 16, 1904, when the following testimony was introduced.

APPEARANCES:
The principal applicants present in person and by attorney R. T. Blue.
Cherokee Nation by its attorney, James S. Davenport.

GEORGE W. LYNCH being first duly sworn, testified as follows on behalf of the applicants.

By the Commission:
Q What is your name? A George W Lynch.
Q How old are you? A I was born December, 1852.
Q What is your postoffice address? A Vinita.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know George B. Duffin who has applied for enrollment as a Cherokee freedman? A Yes, sir.
Q Do you know Sarah Moss? A Yes, sir.
Q Do you know Eliza Keys? A Yes, sir.
Q Do you know Joshua and Frank Duffin? A I know Joshua but I don't remember Frank.
Q Do you know George N Moss? A Yes, sir.

By Mr. Blue:
Q Did you know Nathan Duffin? A Yes, sir.
Q Where and when did you first see him? A I never saw him in my life until '67.
Q What time in 1867? A It was about the first of February, '67.
Q Where did you see him? A On Big Creek.
Q About how far from the Kansas line, south line of Kansas? A Making an estimation I think it was somewheres from six to seven miles.
Q In what direction from the Kansas Line? A South of the Kansas line.
Q You saw him at that place, did he have a house or place to live in there? A He had kind of a rough double leg house.
Q What time of the day were you there at his place? A We got there very early in the morning, before they had eat breakfast.

Q Who was with you at that time? A A man by the name of Art Williams.
Q Was he a white orcolored man? A Colored man.
Q Where were you going at that time? A He was going there, but I was enroute to enlist in the Army.
Q Did you proceed on and enlist in the Army? A Yes, sir.
Q What regiment did you enlist in? A Company C, 10th Cavalry.
Q At what place? A I went to Fort Leavenworth.
Q Do you remember the date of your enlistment? A No, sir, I don't remember right now, in the Spring of '67.
Q After you saw Mr. Duffin there where did you next see him? A I never saw him any more until I went in the Army and come back.
Q How long were you in the Army? A I went in in '67 and come out in '72.
Q How soon after you came out of the Army did you next see Mr. Duffin? A I judge it was about along in '73.
Q Where did you see him? A I saw the old man first, after I come back over on Grand River, with an old preacher by the name of Rider, they were over there at a meeting?
Q In what Nation? A Cherokee Nation.
Q What was Nathan Duffin's business ? A He was a preacher.
Q Do you know George Duffin? A Yes sir.
Q When did you first see him if you remember? A I first saw George when Art Williams and I went to the cabin that morning and got breakfast.
Q That was in 1867? A Yes, sir.
Q Who else of the Duffin family did you see there at that time? A As well as I remember I saw two boys and two girls.
Q Did you afterwards ascertain who they were? A Yes, sir.
Q Who were they? A It was George and Joshua and Sarah and Eliza.
Q George and Joshua and Sarah and Eliza who? A Duffin's, always known as Duffins, sometimes called Tyner, I don't know where that name come from.
Q Do you mean by that that Nathan Duffin was sometimes called Tyner? A Yes, sir.
Q By what name does Eliza Duffin now go? A By Eliza Keys.
Q How about Sarah Duffin, by what name does she go now? A By the name of Sarah Moss.
Q Did you see Eliza Keys after 1867? when you first saw her there at her father's house? A Yes, sir, frequently since that.
Q Have you seen Sarah frequently since that, too? A I saw her now and then, but not as often as I have Eliza, but I have seen her several times since that.
Q How long did you remain at Nathan Duffin's cabin in February, 1867 when you went there? A Ate br akfact, sat around there an hour or two and talked.
Q Then what did you do? A Art showed me how to go down the creek, where my grandfather was living down there, and some more folks, and he went on his way.
Q Did you go on yours, too? A Yes, sir.

By Mr. Davenport:
Q As I understand you, Nathan Duffin, together with George, Joshua Sarah and Eliza, was living in a double log house in Cooweescoowee district about the first of February, 1867? A Yes, sir.
Q Did you have any conversation with Nathan Duffin at the time you were there as to where he went during the war? A No, sir, had no conversation with him at all; it seems that him and Art Williams were acquainted and I listened to them talk.

Q Did you hear any conversation between them as to where the Duffin family went during the war? A No, sir.
Q There was nothing passed then between Art Williams and Nathan Duffin as to whether or not Art had left the Cherokee Nation during the war or that Duffin and his family left? A If I did I Don't remember it.
Q After this time you claim you saw them there in 1867 it was five or more years till you saw them any more? A It must have been six years.
Q It was after you came out of the Army? A Yes, sir.
Q where they living on the same place when you saw them again? A I didn't come back on the same place; I saw the old man and the boys frequently, but not at their homes.
Q Have you since that time learned whether or not Nathan Duffin and his family went out of the Cherokee Nation during the war? A I don't know as I have; I have no knowledge of it.
Q You haven't learned it from any of the family? A I believe I have heard it mentioned that they went out of the Cherokee Nation during the war.
Q You have never heard them tell about having lived about Ottowa, Kansas, with old man Campbell have you? A No, sir.
Q Never heard George here and his brother tell about hauling Cross ties to build that railroad when it built into Ottowa, Kansas? A No, sir.
Q Have you ever talked with them about their taking a lease from old man Campbell for clearing out a peice of land, near Garnett, Kansas? A No, sir, I have never heard of that.

GEORGE CAMPBELL, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

By the Cherokee Nation:
Q What is your name? A George Campbell.
Q How old are you? A 58.
Q What is your post office address? A Garnett, Anderson County, Texas.
Q Are you a citizen of the United States? A Yes, sir.
Q Do you know the applicants in this case who have applied here to be enrolled as Cherokee freedmen, George B. Duffin and Joshua Duffin, and Sarah Moss, et al.? A I used to know them, but haven't seen them for a good many years.

By Mr. Davenport.
Q Mr. Campbell, how long have you lived in or near Garnett, Kansas? A Ever since 1856.
Q Where were you living with reference to Garnett, Kansas, in 1865? A The latter part of 1865 I lived 2 1/2 miles east.
Q Of Garnett? A Yes, sir.
Q Did you know a family of colored people there in 1865 by the name of Duffin? A Yes, sir.
Q Do you remember the name of the old gentleman? A Yes, sir.
Q What was his name? A Nathan.
Q What was his business? A He farmed and he preached.
Q Where did he lived when you first got acquainted with him? A The first I knew of them they lived on a place right west of us, adjoining us, Gibson.
Q Gibson place? A Yes, sir.
Q After you got acquainted with them, where did they live? A On my father's place; leased some land there for three years.

Mr. Blue: We object to that as not being the best evidence.
Commission: AObjection noted.

Q What was your father's name? A J. Y. Campbell.
Q How long did the Duffin family live on your father's place after they moved there? A I think they lived there three years out; they were they in 1868, I know.
Q What makes you remember they were there in 1868? A

Mr. Blue: Objected to as incompetent, immaterial and irrelevant.
Commission: Objection noted; witness will answer.

A Well, in 1867, July 4th, I enlisted to go out on the plains in the Army, and they were there when I come back, and I farmed with them the next summer.
Q Did you work on the same farm that belonged to your father that the Duffins lived on while working your father's farm? A Yes, sir.
Q You were then about how old? A About 22.
Q Do you remember the names of the family of how many there were in the family? A There were two boys and two girls and tha father and mt the mother, six.
Q Do you remember whether there were any other children?
A I don't know.
Q Do you remember the names of any of the children? A One was named George, and I think the others name was Frank.
Q Do you know the girls' names? A One was named Eliza and I don't know the other name.
Q Have you ever seen the boys or the old gentleman since that time? A George was at my house once since then.
Q When did they move from your father's place? A I just can't tell you just when they moved away.
Q They were there the crop year, the last year you remember? A '68
Q They were there in July in 1867? A No, they lived on the Gibson place at that time.
Q In the neighborhood? A Yes, sir.
Q From the time you got acquainted with them in 1865 up to 1868, had they moved out of the neighborhood? A No, sir, they hadn't moved out.
By Mr. Blue:
Q In what regiment did you enlist to go on the plains? A 18th Kansas.
Q Was that the regiment that was raised in Kansas for Indian service after the war? A Yes, sir.
Q Col. Crawford was Col.? A No, sir, he was Col. of the 19th.
Q Who was Col. of the 18th? A Didn't have none.
Q Who commanded it? A Major Moore.
Q Where did he reside? A At Lawrence.
Q Is that the Mr. Moore that was afterwards elected to Congress from the second district? A Yes, sir.
Q How long were you in the service of the 18th Kansas? A I enlisted for five months, but got out; went in in July and got out in December.
Q Went out in July of 1867? A Yes, sir.
Q Did you serve with the 19th Kansas? A No, sir.
Q In what troops did you serve? A We served with the 10th Cavalry.
Q 10th colored Cavalry? A Yes, sir.
Q Who commanded it? A A man by the name of Arms.

Q He commanded your battalion all the time you were out? A Yes, sir
Q When did you enlist in that regiment? A In July, 1867.
Q That time in July? A 4th of July we enlisted; mustered in the 15th of July.
Q Where did you enlist? A Garnett.
Q Who was the officer that enlisted you? A Johnson, I think.
Q What Johnson? A Col. Johnson, or Captain Johnson.
Q Alex? A Yes, sir.
Q Did Alex serve in the 18th? A No sir, we were under Captain Jennings of Ottowa.
Q You say you knew Nathan Duffin? A Yes, sir.
Q Where did you first meet him? A I first met him at Garnett.
Q At what place? A Right east of Garnett.
Q When was that? A In 1865.
Q What time in 1865? A Must have been about the first of september, I didn't come until the latter part of August.
Q Did you serve in the Union Army before that? A Yes, sir, in the 2nd Kansas Cavalry.
Q Is that Cloud's regiment? A Yes, sir.
Q When did you come back from the service in the 2nd Kansas after the war closed? A Yes, sir, mustered out at Lawrence.
Q When? A 18th of August, 1865.
Q Then where did you go? A I come right home to Garnett.
Q You saw Nathan Duffin after that? A Yes, sir.
Q Where did you say he was, as to whose farm he was on? A A man by the name of Gibson.
Q His first name? A John.
Q Where is Gibson now? A He is dead.
Q Did he ever hold any official position in Anderson County, Kansas? A Not that I know of.
Q When you saw Nathan Duffin out there what was he doing? A Farming.
Q What kind of a house did he live in? A Board house; boarded up and down, on Gibson's place and built a log house on our place.
Q On Gibson's place he was living in a board house? A Yes, sir, in what they sometimes called a Yankee frame.
Q Was that the main house on the farm? A No, sir.
Q Who lived in the principal house on the place? A Gibsons.
Q That was the owner of the land? A Yes, sir.
Q How much of a farm did Gibson have there? A I think 120 acres.
Q Did the old man have a team, old man Nathan? A Yes, sir, he had a team, I think he had two.
Q Were you ever in the house he lived in while he was living in it? A No, sir.
Q The old man was a preacher, wasn't he? A Yes, sir.
Q In the practice of his profession he went from place to place, didn't he? A I don't think he went around much.
Q Do you know anything about it? A I know he preached.
Q You don't know whether he went off and preached? A No, sir, I don't know.
Q Did you ever go up to the Gibson place to see what kind of crops they had? A Yes, sir, I have been around that way.
Q What kind of crops did the old man tend there? A I don't know, it was late in the season when we come home.
Q You don't know much about the crops? A No, sir.
Q That was in 1865? A Yes, sir.

Q Do you know anything about what he did in 1866? A He farmed on my father's place.
Q What was your father's name? A Him Campbell.
Q Where is your father now? A He is dead.
Q How long has he been dead? A 10 or 15 years.
Q In what kind of a house did Nathan Duffin live on your father's place? A Log house.
Q Old or new one? A He built it, himself.
Q When? A In the fall of 1865, late in that winter.
Q Of 1865? A Yes, sir, I think he built it that winter.
Q How close was it to the principal house on the place? A About a quarter.
Q Were you in that house while Nathan lived there? A Yes, sir, I think so.
Q More than once? A I don't know how many times.
Q You are not positive? A No, sir.
Q Was it there where you said he had two boys and two girls? A Yes sir.
Q Would you know either one of them if you were to see them again? A I don't suppose I would.
Q How long has it been since you saw either of them? A I don't recollect seeing them since 1868, any except George.
Q When and where did you see George.? A He come to my house in Garnett.
Q When was that? A I don't know how long that has been; I don't recollect; quite a while ago, though.
Q How long did he stay at your house when he came? A Not but a little bit, few minutes.
Q Did you talk with him? A Yes, sir.
Q You are not positive as to how long ago that has been? A No, sir.
Q You say he cropped down there in 1866, built a house on your father's place in 1865? A Yes, sir.
Q Who cropped there? A Nathan Duffin.
Q Was he there all the time? A I couldn't tell you that; whether he was or not.
Q Was he there in 1867? A Yes, sir.
Q Was he there all the year of 1867? A I can't tell you; I was away five months.
Q Five months of 1867? you were not there? A Yes, sir, that was from July to December.
Q Where had you been living the fore part of 1867, there at home on that place? A Yes, sir.
Q What were you doing there then? A Farming.
Q What were you doing in January of 1867? A I don't know.
Q What were you doing in February of 1867? A I expect we were clearing land.
Q You haven't any definite recollection about that? A No, sir.
Q That has been a good while ago? A Yes, sir.
Q Just after the war? A Yes, sir.
Q You say that Mr. Nathan Duffin was there in 1868? A Yes, sir.
Q What time in 1868? A There till fall anyway; he raised his crop.
Q In what month in 1868 did he leave? A I don't know; I know he was there in 1868.
Q How do you know? A I worked for him.
Q What at? A Plowing corn.
Q You and he plowed corn together in 1868? A Yes, sir, right together.
Q What time of the year? A Long in June and July, not much in July, corn got too big.
Q You don't know what you were doing in January and February, 1867, only that you worked there on the farm? A That's all.

Q You knew Nathan Duffin raised a crop there in 1868, and left in the fall of 1868? A He left in the fall or the next spring.
Q Did his sons and daughters remain there after he left? A No, sir.
Q Did they all go away together in 1868? A Yes, sir.
Q You never saw them after that, except George at your place in Garnett once? A Yes, sir.
Q You don't know anything about them after they left there in 1868? A No, sir.
Q Coming back to the Gibson place, please state what direction from the main or principal house on the Gibson place was this little house in which Nathan Duffin lived? A It was pretty near west, as well as I can recollect.
Q How far from the principal house? A Two or three hundred ymards.
Q Right west? A I think so.
Q Couldn't have been southwest? A I think they had a log house in the timber like, about half a miles, but I don't think the Duffins lived in that house; I think a man by the name of--- I don't remember his name-- he was a darkey, lived there.
Q You said while ago they lived in a little house, yanke frame? A There were two families lived on this Gibson place if I remember right.
Q One in a log house? A Yes, sir, that somebody lived in.
Q Duffins didn't live in that house? A I don't think so.
Q How far was this little yankee frame house from the loghouse in the bottom? A It was half a mile, I think
Q In what direction from the log house in the bottom was the yankee frame house in which they lived? A It was north.
Q Do you know who built that log house? A No, sir.
Q Are you sure that that log house was on the Gibson place? A Yes
Q Are you sure that this little frame house was on the Gibson place? A Yes, sir, I know it was.
Q And you know that the prinicpal house on that farm was also on what you call the Gibson place? A Yes, sir.
Q Then all three were on the Gibson place? A Yes, sir, there were three houses on it.
Q You speak about those parties having a lease there on your father's farm, are you positive about that? A I never seen the lease, but that was my understanding.
Q Isn't it a matter of fact that a man by the name of Mayfield had that lease? A Mayfield had a lease, too.
Q Isn't it a fact that they never had a lease on your father's place? I don't know that was my understanding.
Q Then you don't know of your own personal knowledge? A No, I know------
Q Isn't it a fact that they lived in a little room built up against the house that Mayfield lived in? A They lived in the log house, I think it was a double house.
Q Are you sure that the house you say they lived in was on your father's farm? A Yes, sir.
Q You are positive about that? A Yes, sir.
Q Are you positive that they lived on Gibson's farm at any time? A Yes, sir, I think they are the same people.
Q Isn't it a fact that it was Mayfield that lived on the Gibson farm and that the Duffins didn't live there at all? A I got them mixed if it wasn't them.
You don't know absolutely of your own knowledge, do you, Mr. Campbell? A That is my opinion.
Q But as to the fact you are not certain, are you? A I am pretty certain, yes, sir.

Q If it turns out that they never did live on it, you are mistaken, then? A I would be, yes, sir.
Q I ask you again if it wasn't the Mayfields that lived on the Gibson place and Duffins never lived there? A I don't think the Mayfields lived on the Gibson place.
Q But if they did you are mistaken? A Yes, sir, without they all lived there like they did down below.
Q Isn't it a fact that Mr. Mayfield took a lease on the Gibson place and there was no house at all on the Gibson place at all?
A Yes, sir, there was a house on the place.
Q You are sure of that? A Yes, sir.
Q Can't be mistaken? A No, sir.
Q What date was that? A 1865.
Q You are positive it was 1865 when you saw them that month was it?
A It must have been September.
Q Then it was the fall or winter of 1865? A Yes, sir.
Q And you are positive there were three houses on the Gibson place? at that time? A It may not havebeen at that time, but there were three houses.
Q How many houses at that time? A Three, I think, that is my recollection.
Q This log house, one frame house and the principal house? A Yes, sir.
Q What kind of a house was it? A Story and a half house; kitchen to it, facing the east, a shed kitchen.
Q Do you know what was the occasion of George Duffin's being at Garnett when you say you saw him? A No, sir.
Q Did you learn from him where he had been or was going? A I never asked him; I might have, but I don't recollect it.
Q Do you remember anything about his having gone to school at Baker University? A I believe he told me he had.
Q How long did you converse with him that day? A Not very long.
Q Do you remember what he said to you at that time? A No, sir, I don't remember what we talked about.

By Mr. Davenport:
Q Was George big enough for you to recognize him now if you should see him? A I wouldn't know him.
Q Has George had any conversation with you since you have been here this time? A No, sir.
Q You have been around here with him since yesterday? A Yes, sir, but I didn't know that was him for certain.

By Mr. Blue:
Q Are you able to identify any of these people? A No, sir, not for certain; I think that is George.
Q But you don't pretend to say absolutely, that it is? A No, sir.

THOMAS FOSTER, being first duly sworn, testified as follows:

By Mr. Davenport:
Q What is your name? A Thomas Foster.
Q Where do you live? A Garnett, Kansas.
Q You are a citizen of the United States? A Yes, sir.
Q How long have you lived in Garnett? A Come there in 1865.
Q Did you know a gentleman by the name of Campbell at Garnett?
A Yes, sir.

Q Did you live with him? A Yes, sir.
Q What was his name? A J.Y. Campbell.
Q While you were living with him did you get acquainted with a family of colored people by the name of Duffin? A I did.
Q Do you know what year you got acquainted with them? A I think it was in the fall of 1866; either in the fall of 1866 or the spring of 1867, I think it was in 1866.
Q Where you were living at that time? A On Mr. Campbell's farm.
Q How many were there in family, if you know? A Must have been four or five, I don't know exactly.
Q Did you know the old gentleman's name? A I did.
Q What was it? A Nathan.
Q Did he have a wife at that time? A I think he did.
Q Did he have any children? A Yes, sir.
Q Did you know of the children's names? A No, sir, I couldn't say that I do.
Q Do you remember the sex of the children, whether boys or girls? A Part of them girls and part boys.
Q How long to your own knowledge did he continue to live on Mr. Campbell's place? A Two years.
Q What circumstances, if anything, cause you to remember that he remained there two years? A One of the was, I remember I very often used to go there and work there with the boys or folks on the same

Mr. Blue: Objected to as not responsive.
Commission: Objection noted.

place, and another, Nathan Duffin run a big protracted meeting right close to us, and I used to attend that in 1867.
Q Do you know what year they moved off of Mr. Campbell's place? A No, sir.
Q Do you know whether or not they were there during the crop year of 1867? A Yes, sir, they were.

By Mr. Blue:
Q Where do you reside now? A In Garnett, Kansas.
Q How long have you lived there? A Ever since 1885.
Q What is your business? A Laborer; I am in the ice business; have been for a year or two.
Q You mean you are the operator in the ice plant? A No, sir, we put up our own ice.
Q You are simply a laborer? A Yes, sir.
Q Were you a laborer when you knew these people on the farm? A I was.
Q Were you married then? A No, sir.
Q Are you now? A Yes, sir.
Q How old were you when you knew these people? A 13 or 14.
Q Where did your parents live then? A About three miles from there.
Q Was your father living there? A Yes, sir, but they were not living together. My mother lived on her stepmother's farm.
Q Are you any relation to John Foster? A No, sir.
Q Were you born in Anderson County? A No, sir.
Q Where were you born? A In Missouri.
Q What part? A In McDonald County.
Q How long did you remain in Missouri before you moved to Kansas? A About nine years.
Q Then you were nine years old when you came to Kansas? A Yes, sir.
Q Where did you come to in Kansas? A Leavenworth.
Q How long did you remain there? A About three years.
Q Then where did you go? A To Garnett, Kansas.

Q You mean you moved to the Station of Garnett? A No, sir.
Q How near to the Station? A About 2 1/2 or 3 miles.
Q Were you employed by Mr. Campbell to work for him? A I was born with ~~him~~ them.
Q Bound by? A Yes, sir.
Q Did you stay there all the time then? A I was there; that was my home all the time.
Q Were you there nearly all the time? A Part of the time, maybe two or three months in the year, I was hired and would be about eight miles from there.
Q For Campbell? A Yes, sir.
Q That in Anderson County? A Yes, sir.
Q You say you were about 13 or 14 years old then? A I said I was in '67 or '8.
Q Which is it? A In 1867 I was 13 years old.
Q You were nine years old when you left McDonald County? A About that.
Q Was the war going on then? A Yes, sir.
Q And you went to Leavenworth and lived there three years? A Between two and three years.
Q Then you ~~came~~ came from Leavenworth down to the vicinity of Garnett? A Yes, sir.
Q When were you born? A August 6, 1854.
Q And this was in 1866 you say ~~in~~ that you saw them there? A I said in 1867.
Q The first time you saw them was in 1867? A As near as I can remember, yes, sir.
Q You didn't see them there in 1866? A I would not be positive that I did.
Q You saw them in 1867, at what time of the year? A During the whole year, from the spring to the fall.
Q Were they there in 1868? A Yes, sir.
Q Were they there in 1869? A I would not be positive; I don't know.
Q Were they there in 1870? A I don't know; I wasn't there, myself. I went to Chatauqua County.
Q When? A In 1870.
Q From what place? A Centralia City, about 10 miles from my home.
Q In Anderson County? A Yes, sir.
Q When did you leave Centralia Station for Chatauqua County? A In the spring of 1870.
Q What did you do in Chatauqua County.

Mr. Davenport: Objected to as immaterial, incompetent, and irrelevant.
Commission: Objection noted.

A I farmed.
Q For yourself or someone else? A Mr. Campbell.
Q The same Mr. Campbell you said you were bound to in Anderson County? A Yes, sir.
Q Were you still bound in Chatauqua County? A Yes, sir.
Q You say you knew Nathan Duffin? A Yes, sir.
Q Did you know his wife? A I knew her, I expect, but I don't know her name.
Q Were you ever in his cabin? A Yes, sir, I have eaten meals there.
Q Where was his cabin? A Right south of where we lived on the farm.
Q On Mr. Campbell's farm? A Yes, sir.

Q When did the Duffin's move to the Campbell's farm? A I am not positive whether it was 1866 or 1867.
Q Were you there? A I was.
Q Did you see them move in on the place? A I can't answer.
Q Do you know? A I don't.
Q You are not able to say that you saw them move there? A No, sir, I couldn't say that I saw them move there.
Q What family did Nathan Duffin have at that time? A It was four or five in the family.
Q Who were they? A I couldn't tell the names.
Q Do you remember the names of any of them? A No, sir.
Q Do you remember whether they were all boys or all girls? A Part boys and part girls.
Q How many girls? A I think two.
Q You don't know? A No, sir.
Q How many boys? A Two boys.
Q Are you positive about that? A Yes, sir.
Q Do you remember their names? A No, sir.
Q What was the business of Nathan Duffin? A Nathan, himself, farmed.
Q Did he have any other business? A He preached.
Q You say he held a meeting there? A Yes, sir, in our school house.
Q Campbell school house? A Yes, sir, some called it the Simon School house.
Q How long did that meeting last? A I think about a month.
Q You say you attended it? A Yes, sir, very regularly.
Q All the time? A No, sir.
Q Did Nathan Duffin preach there during that time? A He was the leader.
Q Any other preachers? A Yes, sir.
Q Do you remember any of them? A Yes, sir.
Q What were their names? A A white man by the name of Tolbridge.
Q Do you know where he is now? A I think in the penintentiary.
Q What makes you think he is in the penitentiary? A I heard he was and all the neighbors heard it.
Q Was there any other preachers there? A Not that I remember of.
Q You say you ate meals down there at Duffins, was ~~in their family~~ any other family living in any part of the house? A Yes, sir.
Q Who were they? A Mayfields.
Q White or colored? A Colored.
Q What kind of a house was it? A Double log house.
Q How many rooms? A Two rooms.
Q How much of a family did Mayfields have? A I don't remember.
Q Did they all live there together? A Yes, sir, in separate rooms, two rooms to the house.
Q How are you able to distinguish between the families then? A I could tell them apart.
Q Did Mayfield have any family? A Yes, sir.
Q How much of a family? A I don't remember how many.
Q Did he have any boys? A I couldn't say.
Q Did he have any girls? A I couldn't say; he had girls or boys one or the other.
Q Do you remember what Mayfield's first name was.

Mr. Davenport: Objected to as incompetent and immaterial. We are not trying the Mayfield case.
Commission: Objection noted. Witness will answer.

A I don't know.
Q What was his wife's name? A I couldn't say which one of them was named Nicey, but one of them was.

J. M. Johnson, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A J. M. Johnson.
Q How old are you? A 53 years old.
Q What is your postoffice address? A Garnett, Anderson County, Kansas.
Q Do you know the applicants in this case, George B. Duffin and his brothers and sisters? A Yes, sir, I know the boys.
Q Have you testified in this case before? A I did in the Nathan Duffin case.

By Mr. Davenport:
Q When did you get acquainted with them? A They came to our county in 1863 or the early part of 1864.
Q When did they leave that County? A Sometime the latter part of 1869, or the early part of 1870, I think 1870.

By Mr. Blue:
Q How old are you? A 53 years old.
Q Are you Alex's oldest boy? A Yes, sir.
Q What is your business? A Abstract business.
Q You used to be a travelling man? A No, sir.
Q At no time? A No, sir.
Q When you say these people came there how old were you? A I was 12 or 13 years old.
Q Did you ever visit the place where they lived? A Yes, sir.
Q Where did they live? A First at what was known as the Bales place, one mile from Garnett.
Q When was that? A In 1863 or '4.
Q Which one? A I don't know which, the latter part of 1863 or the early part of 1864.
Q Where did they next live? A On George Campbell's place, three miles southeast of Garnett.
Q How long did they live there? A Until Mr. Campbell sold the place in 1869, to Judge Spriggs..
Q Then where did they go? A I don't know.
Q That time in the year 1869 was the place sold? A Sometime in the fall.
Q What was Nathan Duffin's business? A Preacher and farmer.
Q Did he travel around and preach in different localities? Principally in that part of the country.
Q Was he off sometimes? A Yes, sir, sometimes.
Q How many members of his family? A I don't know any except George and Frank and the old gentleman and his wife.
Q That is all you know? A Yes, sir.
Q Were you ever at his place more than once? A Probably 20 or 30 times.
Q On which place? A Both.
Q Bales? A Yes, sir, and Campbell's.
Q The Bales place was near town? A Yes, sir.
Q How did you happen to go out in the country where they lived?
A They lived on a farm that joined my uncle's place, Gibson's.
Q Did they ever to your knowledge live on the Gibson place? A No, sir.
Q That's the way you saw them? A Yes, sir.
Q You didn't make a habit of visiting them? A No, sir, except down on the creek we boys would play together.
Q You were a boy yourself ? A Yes, sir.
Q Something of a boy yet aren't you? A Yes, sir, like yourself.

Q Now, as I understand you are not positive as to dates, you knew them in a general way? A There are two I remember; one when they came and the other when they left the Campbell's place.
Q That refreshes your recollection as to the time they came there?
A At the time they all came there.
Q When was that? A Some in 1863, some in 1864.
Q Some in 1863? A Not that I know of.
Q You mean the colored people from the Cherokee Nation? A Yes, sir.
Q These people never had any farm or abiding place of their own up there? A Not that I know of.
Q What they did do was to crop, as you said? A Yes, sir.
Q They didn't have any home of their own? A No, sir, they rented.
Q During the winter season especially didn't the old man travel around and hold revival meetings? A I don't know.
Q You don't pretend to say that you knew where they were all the time? A Not at all times of the year.
Q You don't make any prentention of that? A No, sir.

(Continued by agreement until July 28, 1904.)

July 28, 1904, Applicants appear in person and by attorney, R. W. Blue, and the Cherokee Nation by its attorney, James S. Davenport, and the following testimony introduced on behalf of the applicants:

MARIAH FRENCH, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Mariah French.
Q How old are you? A In my 49th years
Q What is your postoffice address? A Lenapah.
Q Are you a Cherokee freedman? A No, sir.
Q State no an? A Yes, sir, only adopted.
Q Do you know the applicants in this case, George B. Duffin, et al?
A Yes, sir.
Q How long have you known them? A About 38 years .

By Mr. Blue:
Q Did you know Nathan Duffin in his lifetime? A Yes, sir.
Q When and where did you first see him? A First on Snow Creek.
Q In what Nation and Territory? A Cherokee Nation.
Q In what Territory? A In the Cherokee Nation, this country.
Q Indian Territory? A Yes, sir, not in the Creek Nation.
Q What is your father's name? A Stephen Little.
Q Has he been married more than once? A Yes, sir.
Q Are you a daughter of his? A Yes, sir, I was always teached that.
Q Are you a daughter of his by his present wife? A No, sir, my mother I don't know.
Q When did you first come to the Cherokee Nation? A We came here in 1866.
Q Who came with you? A My father and my stepmother, and three other children, one brother and three other men, eight persons in all of us.
Q From what place did you come to the Cherokee Nation? A We came from Leavenworth County here, Kansas.
Q When did you arrive at Snow Creek in the Cherokee Nation? A On the 15th day of April.
Q Of what year? A 1866.
Q Where has your father kept his home from that time until now?
A He has been there all but one year ever since we came here; one year he stayed in Newton County, Missouri.

Q When was that? A In 1874.
Q Did he have a home here while he was in Newton County, Missouri, in 1874? A No, sir, they had sold our home; the Cherokee Nation sold our home.
Q When did he return? A That same year in January; the first of the last of December.
Q Do you know whether or not your mother is on the freedmen roll, your stepmother? A No, sir, I don't.
Q Your father has been here only that short time he was away in 1874? A Yes, sir, ever since.
Q How did you happen to see Mr. Nathan Duffin at the time you say you did, did he come to your place where you were? A He came to our tent, we had no house then.
Q Did he come alone or with someone? A There was quite a bunch of men with him, seven or eight.
Q Do you know what was the occasion of their being there? A They were hunting horses they said were stolen.
Q Did you see him more than once at your father's place where he was stopping at that time? A Yes, sir.
Q How often did you see him about your father's place about that time? A I seen him once on Sunday, when he first come, and he went off and come back on a Tuesday.
Q Do you know what was the occasion of his coming back the second time? A He had stayed all night at a white man's house up the creek and the man wanted pay for his board, and he come back down there to get it.
Q Do you know whether or not he got it? A No, sir, I don't know.
Q Do you know either of the men that came with him at either of these times? A Yes, sir, but they are most all dead.
Q Who were they? A One was George Eaton, Lewis Beck, Sam Mosely, Santa Ann Wivens and Mose Smith thats dead, and old man Duffin, himself.
Q What was the business of Mr. Nathan Duffin, if you know in his lifetime, what occupation or profession did he have? A He was a preacher.
Q After you saw him there in 1866, as you stated, did you see him afterwards in the Cherokee Nation? A He preached for us all the time.
Q Did you have a church or place of worship thereabout? A We didn't have no churches; in the summer time we would have a large shed with brush on it; in the winter time he preached at peoples houses.
Q What, if anything, did he do in regard to establishing a home there in 1866 or '7? A After he got over there and got acquainted, I used to go to his house.
Q Were you at his house or cabin in 1866 or '7? A No, sir, not in 1866.
Q When were you first at his house? A After we had settled there, about '66, we had a school at our house, and the teacher would stay with us and they would come to school there, his children.
Q When did you first get acquainted with his children? A When they came to school.
Q What was in 1866? A Yes, sir.
Q What were the names of the children? A The oldest one was George Butler, and Joshua and Eliza and Sarah and Henry.
Q At the time Mr. Nathan Duffin came to your house in 1866, what, if anything, did you hear him say about establishing a home in the Cherokee Nation?

Mr. Davenport: Objected to as incompetent, irrelevant and immaterial, and pertaining to be a declaration in the interest of the applicant.

Commission: Objection noted.

A I never heard him say anything; he was living there.
Q Was he living in the Cherokee Nation in 1866 when you first saw him? A I guess he was; he come from over there.
Q What time was it when you first saw Mr. Nathan Duffin there in thex Cherokee Nation? A We were in the tent and corn was waist high.
Q Do you remember what month it was in? A No, sir, I don't.
Q Was your father at home at that place where you had located, when Nathan Duffin came in 1866? A Yes, sir, he was there.
Q About what time in the day was it when the men that were in the party first came to your place? A It was away up in the day on Sunday and they wanted dinner.
Q Did they eat dinner there? A I helped cook dinner for them.
Q You are positive that that was in 1866? A Yes, sir, I am.

By Mr. Davenport:
Q How old are you? A I am 49; in my 50th year.
Q Where did you come from when you came to the Cherokee Nation?
Q From Leavenworth County, Kansas.
Q You didn't known the Duffin family before you claim the old man came to your place there on that Sunday? A No, sir.
Q How old were you then? A I was in my 14th year.
Q You are sure you were in your 14th year? A That is what they told me.
Q I am asking what you know? A I couldn't tell me age; it was set down.
Q Was that the way it was set down, that you didn't see him until you were 14? A I never came there, myself, until I was 14.
Q You never came to the Cherokee Nation until you were in your 14th year? A N , sir.
Q And you are in your 50th year now? A Yes, sir.
Q Are you an applicant to citizenship? A Only an adopted citizen.
Q How much land did you have in cultivation when Duffin and these men came? A We had little small patches.
Q About how much? A I don't know, may have been four acres or ten acres; small patches.
Q Who did you live near at that time? We didn't live near anyone; no one there to live by.
Q Who were the nearest people to the place you lived at the time Duffin came to your house, as you claim? A About seven or eight miles to Osage towns.
Q Were any of your family at that time claiming that they were freedmen of the Cherokee Nation? A My stepmother claimed to be a Cherokee freedman. That's what brought her here.
Q She had heard of the treaty and came back to the Cherokee Nation? A Yes, sir.
Q The treaty had been made and she heard that the freedmen by the treaty had got rights in the Cherokee Nation? A That is what she came home for.
Q Who else came with you at that time that were freedmen entitled to rights in the Cherokee Nation and came back to get the benefits of the treaty? A Wasn't any; a man belonged to the Creek Territory came, right in this town now.
Q You had been there, you say, and had a crop waist high or better before Duffin came? A Yes, sir, about waist high.
Q How long after he came was it, you say, until his family came?

Q I never seen Uncle Duffin's family at all until he brought the children over to school.
Q When was that with reference to the time you saw him? A In 1868.
Q How big was George Duffin at that time? A Good big boy, a young man.
Q The other children were good big children too, were they ?
A Liza was small, had a short dress, and Sarah had a short dress.
Q Did the school teacher board at your house? A Yes, sir.
Q Who was he? A Lowhe?
Q Where is he now, do you know? A No, sir.
Q Is he living? A I don't know.
Q Is there one living now that was living when you saw Nathan Duffin first on Snow Creek, when you were living there, as you claim?
A There was no ones there.
Q When he came down there, you say he came to see your father about getting some money to pay some fellow for staying all night?
A No, sir, I didn't say that.
Q When was it he came for that purpose? A He came back in a day or two after records.
Q A white man he stayed with? A Up on Pumpkin Creek he said.
Q Do you know who the white man was? A No, sir.
Q How far was Pumpkin Creek from Snow Creek? A I guess about 15 miles, or more.
Q Do you know anything about it? A No, sir, I don't.
Q They were hunting stolen horses the first time? A That is what they said.
Q Who was with Duffin? A George Eaton, Lewis Beck, George Meigs, Sam Mosely, Santa Ann Nivens and Rose Smith, is what they gave as their names.
Q You were a girl at that time 14 years old? A Yes, sir.
Q And you only saw this man there, yourself, one time? A Yes, sir.
Q And remember to-day the names of all of them in that crowd? A Yes, sir, because afterwards we were close neighbors and got acquainted and saw them all the time.
Q Can you remember another incident where you met the same number of people in 1866, where you can tell all the names of the parties that you saw? A Yes, sir, if necessary I guess I could tell it.
Q Name one? A They wasn't there to meet, and it was ararity to meet anyone there.
Q In a year or two after that quite a number came, didn't they?
A They came before a year or two.
Q How many got in there and were living there when you saw Duffin's family in 1868? A They come pretty fast; there was Posey Dixson, Esau Fox, Jake Ross, Joe Ross, Stick Ross and E. Ross, all come in one bunch at one time.

By Mr. Blue:
Q Do you know anything about your age at that time, except what had been told you by your parents? A No, sir.
Q You don't undertake to swear positively that you were 14 years old then? A Nothing only what they told me.
Q You might have been less or maybe more? A Yes, sir.

Mr. Davenport: Objected to as incompetent and suggesting the answer to the witness; she stated positively her age and said it was recorded.
Commission: Objection noted.

Q Are you positive as to your age? A No, sir, nothing more than my father told me.

Q When you state that you think you are in your 50th year now, you think it from your own knowledge or what your father told you? A I said it from what he told me; I have got it set down just as he told me.
Q Are you positive that you saw this man where your father was stopping in 1866, as you have stated? A I am sure I saw them.
Q Are you positive as to the time you saw them? A Yes, sir, I am positive as to the time I saw them.

By Mr. Davenport:
Q What portion of Snow Creek was this you located on? A It would be hard for me to tell you, unless I had a map.
Q Who were your first neighbors that come in there? A Amos Adair and Woodson Lowe and old uncle Ben Alberty.
Q And you are positive you were in your 14th year at the time you moved down to the Cherokee Nation? A I don't know; that is what my father told me.
Q He gave you the date you were born? A He said it.
Q Did he tell you what year you were born in? A No, sir, he didn't
Q You were big enough to remember when you moved to the Cherokee Nation? A We had just come there.
Q You can remember the coming? A Yes, sir.

STEPHEN LITTLE, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Stephen Little.
Q How old are you? A 80 years old.
Q What is your post office address? A Lenepah.
Q Are you a Cherokee freedman? A I am not.
Q Are you the father of this woman who has just left the stand, Mariah French? A Yes, sir.

By Mr. Blue:
Q When did you first come to the Cherokee Nation? A In '66.
Q To what place in the Cherokee Nation did you come? A Snow Creek.
Q You went to where you reside now? A It is about six miles.
Q How long have you resided, all together, in that neighborhood?
A All the time ever since I come here; I aint been out of here not over six months at a time.
Q You mean out of the Cherokee Nation? A Yes, sir.
Q How did you happen to come in the first instance in 1866? A I had two instances that directed me here. Irving and Jackman, traders on the Sante Fe, they got me to come down here to take some cattle, 160 head of steers, at salt lick down here to winter them, and hired me to come down here to herd them the next spring, and Irving married my old mistress' daughter, and he owned me and got me to come down to take care of the cattle, and give me $30 a month, and said being as my wife had a right here, I could do better and grow up with the country.
Q In what business was this firm of Irving and Jackman? A They were traders to Sante Fe.
Q What do you mean by that? A They carried trains across every year, 100, 200 or 300 every year, wagon trains.
Q How were those wagons pulled? A By oxen.
Q Were these cattle that you brought down oxen they had used.
A Yes, sir, and brought them here to winter until the next spring when they got fat and put them on the market.

Q When spring came did they take the cattle away? A When I got down here on Pumpkin Creek, I met a young man, what I know well, with the cattle, and Jackman was out on salt lick. Jackman had sold the cattle at Salt Lick and Irving didn't know it and got me here to take care of them, and I met the cattle going north when I come, and I come down on Snow Creek and took a place.
Q Did you bring the cattle with you to Snow Creek? A No, sir, they were in there when I seen them; Jackman had sold them to another party.
Q When you came to Snow Creek what did you do in the way of making a home? A The first thing I done I put up a camp, put a top on it and split logs and put up a side and covered it and put in about four acres of corn that Spring.
Q On what day of what month did you come to this place where you established a camp? A In April.
Q Of what year? A '66.
Q Do you remember what day of April, 1866? A I don't; it is too long off.
Q How long did you continue at that place where you established the camp? A Seven years.
Q During the time that you lived at that place on Snow Creek in the Cherokee Nation did Nathan Duffin come to your camp: If so, state all the circumstances connected therewith. A Nathan Duffin didn't come there then; there was seven men come there on the hunt of some ~~xxxx~~ stolen horses off of Big Creek, they said; I didn't know there was a colored man in 40 miles of me, for I seen nothing but the Indian Oxages, and the first time I knowed on Sunday morning seven men rode right up there and said some horses had been stole off of Big Creek, and they went on up by Blackhawk town and, and they went on up in there and was gone until Tuesday; they went on up some creeks, higher up on the creek about the forks of Snow Creek and went on up to Big Hollow and near to where Cherryvale is----

By the Commission:
Q Were you with those men on this trip? A I wasn't with them, but they told me.
Q Then you don't know it of your own knowledge? A No, sir, only when they come back they had one horse and---
Q Just state what you know about it? A Well the next time I seen them Nathan Duffin come to my house and a man, John Lushboy, told him about me when he come to my house he wanted to get $10. for he stopped at a white man's house on the e, and he thought he could stop and get up and go on, and the white man told him, "No." and he come to me and I got him $10 and I took his word of honor about paying it back.

By Mr. Blue:
Q When was that? A In '66.
Q What time in '66? A Something along, I know it was in June; the leaves were on the trees heavy.
Q Did you make any memorandum of any kind of the fact that you loaned him $10? A I didn't have to; I never would forget it; never will forget it till I die.
Q You know you loaned him $10 on that day? A Yes, sir, and he brought it back.
Q Who brought it back? A Lewis Beck.
Q When? A About three weeks, as well as I can recollect.
At that time, in June, 1866, did you have a crop there at that camp? A Yes, sir, had a crop there then.

Q When did you next see Nathan Duffin after you loaned him the money? A I never had any acquaintance with him and never seen him any more until at the old Duffin place two or three years after that; I didn't know where he lived then or nothing about him .
Q In your conversation on that Tuesday, when you loaned him the money, did he say anything to you about his having a home in the Cherokee Nation? A He said he was going to be a neighbor, and said I should have the money agin if God spared his life, and in about three weeks he sent the money by Beck.
Q You say you didn't seehim any more until a year or two? A No, sir, the next time I seen him he had a house up and was breaking out.
Q When was that? A Two or three years after.
Q Was that house that you speak of on his old place? A Yes, sir.
Q What business did Nathan Duffin follow? A Preached and farmed.
Q In regard to his habits, whether he stayed at one place in the pursuit of his occupation, did he preach at one location or change about? A He preached here and on Big Creek and I don't know where else.
Q Do you know anything about his preaching in the states anywhere? A I didn't; I never had seen him until I loaned him that money but I heard of him.
Q Do you know whether or not he was a slave before the war? A I heard him say---

Mr. Davenport: We object to what he heard.
Commission: Objection noted.

Q State what you know? A I don't know whether he was or not.
Q Did you ever hear him preach? A Yes, sir.
Q Did you belong to his church? A No, sir, I don't belong to any Protestant church.
Q Did he have a church down there in the neighborhood where he resided? A Yes, sir.
Q Did you become acquainted with his family afterwards? A The boys and girls all went to school in my house.
Q Do you know them now, the boys and girls, when you see them? A I know them as well as I know my own.
Q Can you remember the names of those children? A Yes, sir.
Q What were their names? A Joshua, Butler, Sarah and Eliza.
Q Did Butler have any other name? A I never heard any.
Q Never heard him called George? A George Butler.
Q You call him Butler? A Yes, sir.
Q But his name is George Butler? A Yes, sir.
Q When was that that the children went to school at your house? A It was about, as well as I can recollect, about '73 or '4, somewheres along there, I aint sure, about '73.
Q Who was the teacher? A A man by the name of Lowhe.
Q Do you know where he is? A I don't know, I have heard them say he is out in Colorado.
Q You don't know? A No, sir, he is as old as I am; he may be dead.
Q Do you know Judge Keys? A Ask him.
Q When did you first get acquainted with him? A That was about; I expect, pretty near thirty years.
Q How soon after you came into the Cherokee Nation did you first become acquainted with Judge Keys? A Well, I think about the second election, I didn't get acquainted with him the first election.
Q When was that you got acquainted with him? A I think it was something about '67.

Q Have you known the Judge ever since then? A Yes, sir, ever since then, I have known him.
Q Do you remember the names of any of those men that first came to y your house inquiring about the houses in 1866? A I know two.
Q Who were they? A Sanda Ann Nivens and Wils Towers.
Q In regard to the school at yourhouse, are you positive about the time when that school was going on at your house, might it not have been earlier than that? A I had built two more new houses; I had been there two or three years, anyway.
Q You mean that you had been at your house two or three years? A Yes, sir, I had built two rooms and give one for the schoold.
Q Then if you went there in 1866, it was 1868 or '9, that the school was there? A It might have been, I couldn't keep that exactly in my mind.
Q Were there any other children attended that school except yours and the Duffin children? A There were lots of them, they had 40.
Q 40 children altogether? A About 40.
Q How soon after you came there in 1866 did you begin to have neighbors there? A I had some neighbors there, Ben Alberty come that fall; Amos Adair come that fall, and Wilson Lowe.
Q What was the fact about others coming soon after that? A Lots of them come soon after that; I don't recollect; they kept on coming.
Q When the school was going on they used one of your buildings?
A Yes, sir.
Q You don't know exactly as to the time, whether it was 1868 or not?
A No, sir, I don't know exactly the time.

By Mr. Davenport:
Q Where were you, uncle, during the war? A During the war I was in the Cherokee Nation part of the time.
Q Were you anywhere else? A Yes, sir.
Q Where? A I was in Van Buren time of the ~~xxx~~ fight at Prairie Grove
Q Where were you when the war closed? A I was in Leavenworth with, when the war closed, I helped shoot off the guns the salute of the President's death.
Q Where had you lived prior to the war? A In the State of Missouri.
Q You met your wife at Leavenworth during the war? A No, sir, I met her right in this Cherokee Nation on Drywood.
Q Where was that? A Seven miles this side of Fort Scott, in the Cherokee Nation.
Q How far this side of Fort Scott? A Seven miles.
Q In the Cherokee Nation? A Yes, sir.
Q When was that that you married her? A In '62, '61 caught us down here in the Cherokee Nation somewheres, and I told her I would not marry any woman a slave, and when I got ~~xxx~~ to the Kansas line I married her.
Q You married her within seven miles of Fort Scott, Kansas, then, on the Cherokee Nation side? A Yes, sir, on Drywood.
Q You remained there until after the war? A She remained there until after the war, ~~xxx~~ yes, sir.
Q Then you met Irving and Jackman and they wanted you to come here and herd some cattle for them? A Yes, sir.
Q And they told you your wife had a right? A Yes, sir, she always said she had a right here; I don't know.
Q Did Irving and Jackman tell you that your wife had an interest in the Cherokee property and funds and did they tell you she ought to come back? A Yes, sir.
Q Then it was after the treaty was made that you had the talk with Irving? A Yes, sir.
Q You came to the Cherokee Nation the first crop season after the treaty was made? A I come in '66.
Q Before or after the treaty? A It was after the treaty.
Q You came in April after the treaty was made? A Yes, sir.
Q And settled on Snow Creek? A Yes, sir.

Q And have been living in that community ever since? A Yes, sir.
Q When you came to the Cherokee Nation, you had a crop planted and it was nearly waist high, before you had heard of Nathan Duffin, hadn't you? A Before I seen him, but I had heard of him.
Q He didn't come to your house until the crop was waist high or more did he? A He come there in June.
Q The same year you came in April? A Yes, sir.
Q Who came with you when you come to the Cherokee Nation, if anyone? A My son; there is a man here in town that come with him, Philip Chester, and my brother, four of us come.
Q Did you bring your family at that time? A Yes, sir.
Q How did you travel? A I travelled in wagons, and come with Dock Bushyhead, and Dock Bushyhead's boys come together.
Q Was Snow Creek the first place that you settled when you come? A Never come in there.
Q That point on Snow Creek did you come to? A Right in the forks of the creeks, Verdigris and Snow Creek.
Q Near whose place now? A The nearest place to it now is Nelson Murrell's joins it.
Q What Cherokee or white man lives near you? A None.
Q Now, Uncle near whose I ce now? A I don't know; I ain't been there in a good while.
Q You don't live there now? A No, sir, I live five or six miles below there.
Q You don't know who owns the place you first settled? A No, sir.
Q Does Nelson Murrell's family still live on the place he settled? A Yes, sir, he is dead.
Q It was several years after you came beforeyou had this school that you speak of? A Yes, sir, two or three years, I had built a double log house and let them have one room.
Q Who was the first Delaware you saw? A I saw lots of them; couldn't remember the first.
Q Do you remember the names of any of them? A Old man Buckler, and John Jackson, Mrs. Goodtraveller and Mrs. Smith.
Q Do you know any of them that are alive now? A No, sir, they aint any of them living now hardly.
Q How far is Snow Creek from where it empties into the Verdigris river from Coffeyville? A Something like five miles below.
Q You don't know where the Duffin family came from to the Cherokee Nation? A No, sir.
Q You had heard of the old gentleman as being a preacher? A Yes, sir.

(Continued until 1 o'clock, P.M.

(One o'clock P.M., same appearances as this forenoon); Stephen Little on the stand.

By Mr. Davenport:

Q Who did you say came to your house the time you first saw Nathan Duffin? A I don't know as I recollect seeing anybody come.
Q Who came with him, if anyone, when you first saw him? A Lewis Beck, I think.
Q Anyone else? A No, sir.
Q Who was it that came to your house before, or came that was hunting those horses they claimed were stolen? A Santa Ann Nivens and Wils Towers.
Q Then you had seen Wilson Towers in the Cherokee Nation before you saw Nathan Duffin? A I had seen him time of the war was going on.
Q I said in the Cherokee Nation? A Yes, sir.

By Mr. Blue:

Q What day of the week was it that these men came to your house inquirying about the stolen horses? A On Sunday.
Q Then Nathan Duffin came the Tuesday following that? A Yes, sir.
Q And that was the first time that you ever saw Nathan Duffin to know him? A Yes, sir, the first time I ever saw him I loaned him $10 to pay his expenses upon Pumpkin Creek to pay a night's lodging.
Q Do you mean by that that you saw him on Pumpkin Creek or to pay for the lodging on Pumpkin Creek? A He came to my house on Snow Creek.
Q To get money to pay for the lodging on Pumpkin Creek? A Yes, sir.
Q You say you were married to your present wife up at Drywood? A Yes, sir, way up there near to Fort Scott.
Q You spoke of that's being in the Cherokee Nation up there where you were married? A They called it the Cherokee Nation; I don't know.
Q Who called it the Cherokee Nation? A Them that belonged to the command said it was the line.
Q Do you know enough about that to know where the Kansas line is? A No sir, I don't know anything about that.
Q You don't then absolutely know whether it was in Kansas or in the Cherokee Nation, where you were married? A I don't know, but they all said Drywood was in the Cherokee Nation.
Q Who do you mean by all? A Everybody, the whole command said it was the Cherokee Nation.
Q What command were you with? A Col. Cloud's.
Q Did you talk with these men who had the cattle, yourself? A I talked with them myself and made the bargain myself.
Q Where were you at the time you made the bargain? A I was in Platt County, Missouri.
Q Was that before the close of the war or after? A After the close of the war.
Q How long after the close of the war? A It was the next spring? I kept the cattle for them that winter and the next spring he got me to come down here.
Q Do you know in what year the war closed? A I think I do.
Q What year? A In '65.
Q Then it was in the spring of 1866 that he got you to come down here? A Yes, sir.
Q Did you talk with both of these partners or one? A I only talked with Irving; Jackman was in Salt Lick.
Q Did you get these cattle in your possession to bring them out here? A Never got them in my possession; I come here to do so, but met them going north; Jackman had sold them.
Q Did this young man have the cattle driving them out? A Had them on the road, going up to whiskey trail, going to Leavenworth.
Q Now you are positive that it was the spring after the close of the war that you located at Snow Creek, as you stated? A Yes, sir; I come right down and met the cattle. I stopped at the trading post and inquired how far it was to the Cherokee Nation and they told me; I come down on Snow Creek and stopped Saturday night and Sunday I went over and took this place, the first place that was ever made on Snow Creek.
Q Do you know when the treaty was made between the Cherokee Nation and the United States in regard to the sharing of property with the Cherokees by the freedmen? A I don't know positive; Irving told me that I could come here and take care of his cattle; and then I would have some money, and said my wife had Cherokee blood and said how I could grow up with the country and become to be a man, and said they had so much edge over me, I couldn't do much there, and said I could grow up with the country down here and be worth something.

Q Is your wife a Cherokee by blood? A Her father is a half breed Cherokee? Q Come out of---I forget the family--- -Thompson.
Q Is your wife on any of the rolls of the Cherokee Nation? A On none of them; I went to Tahlequah when the first beginning of the Chambers court, and they told her she was doubtful.
Q And she never has been enrolled on any roll? A No, sir.

By Mr. Davenport:
Q Your mind is considerably clearer now than this morning isn't it? A I don't know.
Q You didn't know the year of many things this morning did you? A I don't know.
Q Haven't you talked during the noon hour with the xxxx witnesses in the case and all of you gone over the case together? A We?
Q Yes, you A I didn't talk with anybody in this case.
Q Haven't you talked with George W. Duffin and Marion French during the noon hour about this case? A No, sir.
Q Have you talked with anyone about when the war closed, during the noon hour? A No, sir, I told you to-day I was there.
Q Did you tell anybody in your examination this morning what year the war closed? A I didn't know it was asked me.
Q Did you tell anybody this morning how long you stayed in Missouri before you started to the Cherokee Nation? A No, sir.
Q Don't you now that you have talked with somebody since we adjourned at noon about how long you stayed there before you started to the Cherokee Nation? A I know I haven't.
Q You talked with Jackman and he told you to come back down here that your wife had rights here? A No, sir, not Jackman.
Q Well, Irvin then? A I said this morning that Irvin told me to come down here.
Q And you came upon his suggestion? A Yes, sir.
Q And you came after the treaty was made, didn't you? A I don't know exactly whether it was after the treaty or not, but I told me my wife would have rights in this country.
Q Didn't you answer me this morning in response to the question I asked you about coming before or after the treaty, and xx didn't you say you came after the treaty? A I don't know.
Q Have you a good memory? A Yes, sir.
Q Do you know whether or not you answered that question that way? A I don't know.
Q You say that the first time you ever saw Nathan Duffin you loaned him $10 to pay a night's lodging? A I did.
Q You don't know where he was living at the time? A I know where he said he was going to live.
Q You didn't know when he left what or your would ever see him again A I didn't, but I told him if he was a man as he said, I would get the money and he said I would get it.
Q You had your home built at that time? A No, sir, but I had a right smart money.
Q Where was your trading point at that time? A Lushboy is where we traded, then right on the line, not the Cherokees, but the Osages.

WASHINGTON BLACKBURN, being first duly sworn, testified as follows:

By Mr. Blue:
Q What is your name? A Washington Blackburn.
Q How old are you? A I am about 67 years old, or 68.
Q Where do you reside? A Anderson County, Kansas.
Q How long have you resided in Anderson County, Kansas? A I have resided there ever since in '70.
Q Did you know Nathan Duffin in his lifetime? A Yes, sir.

Q Where did you first meet him if you remember? A I first met him in Anderson County, Kansas.
Q Did you reside there at that time? A No, sir, I just went up there to meet the church.
Q Were you acquainted with him in 1866? A Yes, sir.
Q What was his business or occupation generally then? A Preacher.
Q Where was he preaching at that time, if you remember? A Down there in Lynn County, around Mound City, I stayed all night with him many a night; he preached at Rock Point, we call it, west of Mound city.
Q Did you ever talk with him at any time about having a home in the Cherokee Nation? A Yes, sir, we have both talked together about that.
Q What, if anything did he say to you about having a home in the Cherokee Nation?

Mr. Davenport: The representatives of the Cherokee Nation object to the question on the ground that it is incompetent, irrelevant and immaterial and an attempt made upon the part of the applicants to prove a declaration of a party through whom they claim their rights to citizenship, which would be a declaration in their own interest.

Commission: Objection noted; witness will answer.

A He was talking about it and said he was going back south where he come from and seek him a home, and I told him I was, too, and we talked about it, and said we will go right away, and I said I wasn't ready to go, and he said he was going soon, and I said I was going too after a while, and after that he went home, and I went up to his house, and he was gone; they said he had gone on down south to seek a home.
Q In what year was that? A In '66, in the same year in the Spring; this was in March when he was there preaching.
Q About when was it he told you he was going south to seek a home? A Along early in the Spring of '66, along in March, in the Spring.
Q When were you over to his place after that? A I was over there, I don't know what month whether it was August or July; wasn't anybody home but the two boys, and they said the father had gone south.
Q What were the boys' names? A One was named, I can't call his name now.
Q Have you seen any of the boys since you come here to-day? A I seen one that I took to be him by his forehead.
Q Can't you think of his name? A Nathan, I think; I aint sure, I have a very poor recollection about calling names.
Q Is his name George? A (No response).
Q Do you remember the names of the children? A One was named George and if this is the one, I don't know.
Q Do you remember the names of any of the rest of them? A No, sir.
Q After he told you he was going south to seek a home in 1866, when did you next see Nathan Duffin? A Never saw him any more; when I went to his homse, they said he was gone south, and I never saw him any more.
Q Did you know anything about the boys of the family being back up at Garnett or about there after that? A Yes, sir, I seed the boys up there, but I never saw Nathan, nor his girls after they left.
Q What were the boys doing up there about Garnett? A The first time I seed them after Nathan was gone, they were there on the farm at the Campbell's, and one I think was going to school after that.
Q Do you know where he went to school? A I don't know, up at Lawrence or somewhere.

Q How frequently did you see the boys up there about 1866? A I can't say that, because sometimes I wasn't there for two or three weeks or a month or two; I saw them a time or two after that.
Q What were they doing when you saw them? A The last I saw one of them was there seeing about going to school.
Q Do you remember when that was? A No, sir.
Q Before that time you say they were at work on Campbell's farm, what were they doing? A Working on the farm the old man had lived on.
Q Do you know anything about who had that farm leased or anything about that at that time? A No, sir, I don't know for certain whether it was the old man or the boys.
Q Did you know a man by the name of Mayfield at that time? A I ought to, he raised me.
Q Do you know whether or not he had it leased at that time? A He had that some way; I don't know the best of my acknowledgement Mayfield leased it in the first place.
Q You don't know much about the leasing business, anyway? A No, sir.
Q The boys were simply working there in the crop season? A Yes, sir.
Q Do you know what year that was they worked in the crop? A That was along in '66, I think it was, the last time, if I aint mistaken.
Q You don't remember about the years? A No, sir, it might have been the same fall of '66.

By Mr. Davenport:
Q Your post office is what? A Garnett, Kansas.
Q How far do you live from this Campbell place that Nathan Duffin was living on when you first got acquainted with him? A It is not far, not over two miles.
Q How far did you live from the Campbell place at the time you got acquainted with him in 1866? A I lived in Lynn County then.
Q How far were you from there? A Must have been close on to 25 miles.
Q As I understand you Nathan Duffin was never at your house but one time in 1866? A I don't know; I didn't say he wasn't or was.
Q Was he there more than once in 1866, at your house in Lynn County? A I couldn't say that he was there over once in '66.
Q Once then in 1866 when he was at your house he had a conversation with you in which he said he was coming back south to get a home? A Yes, sir.
Q That was in March or the spring of 1866, you say? A Yes, sir.
Q When did you next see Nathan Duffin after that time, if at all. A I never saw him any more after that.
Q Had you ever been over to Garnett prior to the time you saw him there at your house in 1866? A Yes, sir.
Q Had you ever been to the Campbell, or Johnson's, place there near Garnett? A Yes, sir.
Q Had you ever been to Nathan Duffin's house before he came to your house in March, 1866? A Yes, sir.
Q Then you went over, you say, in July or August, 1866, to the Duffin place and somebody told you Duffin had gone south? A They said he had gone.
Q That was in July or August, 1866? A Yes, sir.
Q His family at that time was living on the Campbell place, near Garnett, Kansas? A I saw the boys there.
Q Do you know whether or not he had a wife and daughters? A He had two.

Q You were acquainted with them? A Yes, sir.
Q Did you go to his house? A Yes, sir.
Q Can't you tell me whether or not the wife and daughters were there when you went there? A The last time I went, they were not there.
Q Did the boys tell you where the wife and daughters were? A I asked them where was Nathan and they said he went south.
Q You are positive that that was in July or August, 1866? A Yes, sir.

Q Don't you know that George B. Duffin's testimony and all that have testified in his behalf don't claim that the mother and the daughters came south in 1866, with the father, but that Nathan Duffin came alone, so far as his individual family is concerned?

Mr. Blue: Objected to on the ground that it is not proper cross examination, for the reason that it is assuming something in regard to this testimony which I don't understand to be true, and for the further reason that it is wholly incompetent, immaterial and irrelevant, and not proper cross-examination.
Commission: Objection noted; witness will answer.

A No, sir, I don't.
Q You don't know of your own knowledge when the family left Garnett, Kansas? A No, sir.
Q Do you know ~~Rxxxx~~ Thomas Foster, a man who was raised by old man Campbell that owned the place on which the Duffin's lived in 1866?
A I do.
Q Do you know George Campbell? A Yes, sir.
Q How long have you known them? A I have known them about as long as I have known any of them about Garnett; that is George, Tom I don't know.
Q Tom Foster, I am speaking of? A I don't know him personally.
Q Did you know Tom Foster's mother? A No, not to really know her.
Q Old man Campbell raised the two Foster boys, or they worked there for him a long time, didn't they, after the war?

Mr. Blue: Objected to for the reason that it is not proper cross-examination, is incompetent, immaterial and irrelevant and does not serve any purpose as testimony in this case.
Commission: Objection noted; witness will answer.

Q They might have been working for him, but to say I knew the boys, I don't.
Q When you went up to the Duffin home there in July or August, 1866, were they living then on the Campbell place? A Yes, sir, right on the Campbell place.
Q Was anyone living with them or in adjoining house? A There was somebody, but I don't recollect who.
Q I believe you say you were raised by Mayfield? A Yes, sir.
Q Didn't Mayfield live on the Campbell place when you went up there that time and saw them? A Yes, sir, went to live there.
Q Wasn't Mayfield living on the Campbell place in 1866, or at least the time that Duffin and his family lived there? A Yes, sir.
Q How far apart? A I don't know.
Q Were you ever at the Mayfield home? A Yes, sir.
Q Were you ever at the Duffin home? A Yes, sir.
Q Isn't it true that ~~xxxx~~ it was a double log house and that one family occupied one room of the house and the other family the other?
A That may be; I don't know.
Q You were there? A Yes, sir.

Q Were they living that way when you were there? A I don't recollect whether they were or not.
Q You don't recollect much about it, then? A Not many more than what I have said.
Q Which family moved away from the place first the Mayfield or the Duffin family? A I couldn't say.
Q Do you know of your own knowledge when either of the families moved off of the Campbell place? A No, sir, just to come to the date, I don't know.
Q The next thing you knew of them after you were up there this time in July or August, 1866, you saw one of the boys up there working on a farm? A Yes, sir.
Q And you saw one of them that you learned had been going to school? A Yes, after that.
Q That was several years after that, wasn't it? A I never kept no record; I don't know.
Q But you remember distinctly 1866? A Yes, sir.
Q Can't you remember another year as well as 1866? A I suppose I could.
Q What year was it then that you saw the boys up there when he said he had been going to school? A I don't know exactly; couldn't say.
Q How big a boy was he at that time? A A good sized boy.
Q Was it as late as 1868 or '9? A I would not be positive, I don't know.
Q You were not up to the Campbell place later than July or August, 1866? A No, sir, not to say a visit, I might have been.
Q You didn't help the old man Duffin hold a protracted meeting up there that fall? A No, sir, I think not; might have been.
Q How old were you at that time? A Don't know exactly; never knowed my age; people t'em times never give my age, how old I was.
Q Wasn't the Duffin boys up there at Garnett when the railroad was built in there? A Wasn't no railroad there when I seen them.
Q Weren't they living there when the railroad was built there? Not to my knowledge.
Q Were you at Garnett about that time? A I was at Garnett long before the railroad was.
Q Were you at Garnett when the railroad come there? A I was when they built the Missouri Pacific.
Q Is there another one there? A Two others there.
Q Which was the first road built in there? A I don't know exactly, but I think the M.K.& T. built there first.
Q Where were you living when the first railroad there built to Garnett, Kansas, the first railroad built there after the war? A I was living in Lynn County.
Q You hadn't moved up to Garnett? A No, sir, I think not.
Q When did you first find out that you were going to be a witness in this case? A I found it out yesterday about half past three, I think it was; I didn't know what the case was, nor nothing about it
Q They didn't tell you what case they wanted you to testify in? A No, sir, just wanted me down here to testify in a case.
Q No one asked you what you knew about it? A No, sir.
Q And brought you from Kansas down here to testify without talking to you about it? A Never had no conversation about it.
Q Any with anyone? A No, sir.
Q How did they know what you were going to testify to? A I don't know.
Q They didn't ask that you would testify in any case? A All that was asked me, was I acquainted with Nathan Duffin, and I told him I ought to be; I waited 12 months for him to baptize me, and he come south and has never baptized me yet.

Q You never saw Nathan Duffin in the Cherokee Nation? A No, sir, I never.
Q Never saw any of his family before to-day in the Indian Territory, did you? A No, I wasn't particularly acquainted; I saw old Man Nathan down preaching at the camp meeting when I was small.
Q When was that? A Before the war.

By Mr. Blue:
Q Are you a citizen of the Cherokee Nation? A I was born and raised here.
Q Were you taken out of here during the war? A Yes, sir.
Q Did you ever return to the Territory afterwards until now? A I came down, I think in, either in the fall of 1866 or 1867, down on Big Creek with old man Peter Ward and N Joshua Ward, Abrham Ward and Peter Neigs.
Q You are a citizen of Kansas now, are you not? A Yes, sir, been living there all the time.
Q You say you did hear the old man Nathan Duffin preach in the Territory when you were a boy? A Yes, sir.
Q Then after that when did you next hear him preach? A The next time after that I heard him preach in Mound City.
Q Lynn County, Kansas? A Yes, sir.
Q After he left you in Lynn County, as you stated, you never saw him any more? A Not after he was at my house and was talking about coming down here.
Q That was 1866 you saw him the last time? A Yes, sir.
Q Can you name the names of the roads that are now running into Garnett? A Missouri Pacific and the K. & D and the Southern Kansas, the first road that was built.
Q While ago you said the M. K. & T.? A Sometimes I call it that, but we call it the Southern Kansas.
Q Do you remember when the Missouri Pacific was built in there?
A I couldn't say the year, but we worked on it.
Q Do you remember when the K D & D was built there? A I couldn't say what year it was in; I worked on it from Garnett to Topeka.
Q Which of the three was built last? A Topeka road.
Q K D & D? A Yes, sir.
Q The other you say is the Southern Kansas? A Yes, sir.
Q Used to be called the L L & G? A Yes, sir.
Q Do you remember when that road was built into Garnett? A No, sir, I don't remember exactly what year.

GEORGE B. DUFFIN, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A George B. Duffin.
Q How old are you? A About 51; I was born in 1851.
Q You are one of the applicants in this case? A Yes, sir.

By Mr. Blue:
Q When did you say you were born? A In 1851.
Q What is your business? A I am a farmer now; have been a minister.
Q In what church? A A M E Church.
Q Are you a son of Nathan Duffin? A Yes sir.
Q Who were your sisters and brother? A Sarah Moss, Eliza Keys and Joshua Duffin; Henry Thornton is our halfbrother.
Q He is not involved in this case? A No, sir.
Q Did you hear the testimony of Mr. Campbell and Mr. Foster and Johnson given in this case? A Yes, sir.

Q Have you read the testimony of the two Johnson's given in this case before? A Yes, sir.
Q I want you to tell the court all about the question of ~~MX~~ when Nathan Duffin, yourself, and when his family came to the Cherokee Nation after the war, and how long they remained here and any and all the facts connected with it? A In the Spring of 1866 he came down with a number------
Q Who came? A Father, Nathan Duffin, came down with a number of others to select a place and he left his family on this Campbell farm, where we were farming and I and brother made the crop that season and he came back after selecting a home and in the fall of 1866 sold his farm and came to the Territory.
Q You say he sold his farm? A I mean his potatoes, his corn, his produce, etc.
Q Where was that corn and produce situated? A On the Campbell farm.
Q In what place? A On Pottawotamie, I believe the creek is called, about two miles east of Garnett.
Q In what County and State? A Anderson County, Kansas.
Q After he sold out his interest in the crop there what did he do and what did the family do? A He loaded his wagons in the fall and came to the Cherokee Nation, Indian Territory.
Q Who came? A Father, Nathan Duffin.
Q Who of the family came? A All of the family; father, mother, and the four children, two boys and two girls.
Q Did any other family or person come with him that time other than the family? A No, sir.
Q When did Nathan Duffin and his family reach the Territory? A In November, fall of '66.
Q What did Nathan Duffin and his family do at that time? A He selected his home and went to building as soon as possible.
Q What had he done in the Spring, if anything, in the way of selecting a home? A He selected a home first on Grand river with the crowd he came with; then he was better informed that it would be a better life to live, better country for him to move out on the west of Grand River.
Q Where did he locate his home? A On Big Creek.
Q When did he locate it there? A In the fall of '66.
Q What did he and his family do after selecting the home there on Big Creek? A Went to diggings around and are still there yet.
Q Have any of his family or he ever had any other home than that? A No, sir.
Q Is he living now? A No, sir, he is dead.
Q Where did he die? A On Big Creek, in the home we live in.
Q The same place he selected in 1866? A Yes, sir.
Q After selecting that place and digging around there what did you do in the way of putting up a house? A We went to work and built a log house and put some logs on it and went to work.
Q Did you build and complete a house there? A We put up a double log house first and didn't finish covering but one.
Q Did you finally finish that house? A Yes, sir, and covered it the second time with boards and rips.
Q Do you know George W. Lynch, ~~xxx~~ Wash Lynch? A Yes, sir.
Q Did you hear him testify in this case? A Yes, sir.
Q Do you remember of his having come to your father's house on Big Creek, as he stated? A Yes, sir.

Q Do you remember when that was? A I am not positive, but to the best of my memory it was the following spring, him and Art Williams; the reason I remember him Art Williams is the man that was selected as a delegate to go with father to Washington on freedman business, and it was Lynch and Williams that came there that day.
Q Do you remember what month it was in that they came there? A I think it was in February.
Q How long had Nathan Duffin and his family been living at that place when Wash Lynch came there? A We built it in the fall and the following spring they came there.
Q Do you mean to say by that that you built it in November and were there in February when they came there? A Yes, sir.
Q After Nathan Duffin and his family moved down there did either of the girls return to Kansas any more? A No, sir.
Q Where have they resided since that time? A At home until they married and aint been anywhere yet; Sarah Moss lives on her place and Eliza Keys lives close to the old place.
Q In what Territory or Nation? A Cherokee Nation, Indian Territory.
Q Have either of the girls ever resided out of the Cherokee Nation anywhere? A No, sir.
Q Since they came here in November, 1866? A No, sir.
Q How about the boys, what was their course in regard to living in the Territory after Nathan Duffin and his family located on Big Creek, as you stated? A After we got located, of course everything to live on was scarce and we lived around, and I and my brother went back to Kansas where we had lived and worked there, and worked with our teams and come back home.
Q Where were you on the 28th day of June, 1898? A All at home on Big Creek.
Q How long had you been at home there, you and your brothers and sisters, on the 28th day of June, 1898, without having been out of the Territory? A I really couldn't say, the girls had never been out; of course, myself, I travelled and reached a good deal about up in Kansas and went to school up there two years.
Q While you were travelling and preaching and going to school did you have a home in the Cherokee Nation? A Yes, sir.
Q How about your brother Joshua? A He had his home here.
Q During all this time since November, 1866, did either your brothers or yourself ever vote in any of the states? A No, sir.
Q Or ever exercise any rights of citizenship in the states? A No, sir, I wasn't old enough.
Q Did either you or your brother or the girls ever have a home in any of the states? A No, sir.
Q Have either of them ever had a home anywhere else than the Cherokee Nation at any time? A No, sir.
Q Where were you at school? A Baker University.
Q What county in Kansas? A Douglas County.
Q What city? A Baldwin.
Q How long were you at school? A Entered in '82 and left in '84.
Q During that time did you return to the Cherokee Nation? A Yes, sir, every commencement.
Q During that time you kept your home in the Cherokee Nation?
A Yes, sir, had a farm in the Cherokee Nation on the Verdigris River, at the mouth of Possum Creek.
Q For what purpose did you and your brother go back into Kansas after you came here in 1866? A We went back to work and to get provisions to help our family to live; our horses got stolen the following spring after we came down, and we had nothing to make a living with, and we had to work out and help father make a living for the family.

Q As between the Cherokee Nation at that time and Kansas, which was the better place to find work and get good wages? A In Kansas, there was nothing here to do, nothing here but wolves and deers and we had no guns to kill them with.
Q Did you have any other purpose for going back there, expept to make money for the family? A That is all, except to go to school.
Q How long was the longest time that either of you were in Kansas at one time after you located in the Cherokee Nation in November, 1866? A The longest period that I think any of the family ever stayed there was about nine months; I would stay during school and come home.
Q When you were working what was the longest period of time any of you remained up there after November, 1866? A I would stay a couple of months sometimes and sometimes 2 1/2 months, I don't think we exceeded two or three months at any time.

By Mr. Davenport:
Q How old were you when the war closed, George? A I don't know; we didn't know anything then.
Q Do you know anything now? A Yes, sir.
Q How old are you now? A 51.
Q How long has the war been closed? A It has been closed about-----
Q 39 years, hasn't it? A It closed in '65.
Q Hasn't that been about 39 years? A I expect so.
Q You have testified once or more times before in this case, haven't you? A Yes, sir, ever since the Wallace court.
Q Did you mention before the fact of your going up there for better wages? A When I was asked I did.
Q You were represented by counsel then when you gave testimony, were you? A Before this court?
Q Yes, before this present Commission? A I don't know really, I think Smith and Mellette made the representation to some extent.
Q You were living near Garnett, Kansas, when the war closed? A I think we were living right in about 2 1/2 miles of Garnett at the time of Price's raid; we were living near Garnett, Kansas, when the war closed.
Q Are you the oldest one of the children? A No, sir.
Q Which is the oldest? A Brother Henry and Joshua.
Q On whose farm were you living when the war closed? A We were living on what was known as the Rumley farm.
Q How far from the Campbell place? A About four miles.
Q What year did you move on the Campbell place? A Immediately after Price's raid; it was in '65.
Q How many crops did you make on the Campbell place? A One.
Q You moved there in 1865? A We left the Rumley place immediately after Price's raid in '65.
Q What crop year was it you made a crop on the Campbell place?
A '66.
Q Your father or some of the members of the family had a lease on t the Campbell place? A No, sir.
Q Who was it had that lease? A Thomas Mayfield.
Q Mayfield lived on the Campbell place, too, didn't he? A Yes, sir.
Q In adjoining houses to your father? A Yes, sir.
Q Did you know Tom Foster that old man Campbell was raising at that time? A Yes, sir.
Q Did you know his mother? A No, I wasn't well acquainted with his mother.
Q You have seen her. A Yes, we always called Campbell's wife his mother.

Q But you knew he had a mother that lived near there? A Yes, sir, but I wasn't acquainted with her.
Q Didn't you see her? A No, sir.
Q Do you remember who she got married? A No, sir, didn't know she was.
Q You saw Tom Foster here the other day? A Yes, sir.
Q And George Campbell? A Yes, sir.
Q And heard them testify? A Yes, sir.
Q Col. Blue asked you if you heard them testify and you answered, "Yes , sir?" A Yes, sir.
Q You heard Ann Sanders testify the other day in your behalf? A No Ann Sanders testified for me.
Q Was it Nan? A No woman at all to my knowledge testified in our case when we were here before; Lynch did, but no woman didn't.
Q You wasn't here then when she testified? A I was here when they had her on the stand, but not in our case.
Q You heard her testify, didn't you? A I know she was here, but I don't think I heard her testify.
Q When was it your father came to the Cherokee Nation after the war to locate this farm of his? A In '66.
Q When your father came? A Yes, sir.
Q Was it in the spring he came to locate the place? A In the Spring he made his first trip.
Q Did he come in the Spring of 1866 for the purpose of locating him a farm in the Cherokee Nation? A Yes, sir.
Q Was that the time you say he located a farm for himself and family on Grand River? A Yes, sir.
Q Then I understand you to say that your father came to the Cherokee Nation in the Spring of 1866 for the purpose of locating him a farm as a freedman citizen of the Cherokee Nation? A Yes, sir, that is the way you understood me.
Q And that he went back, and later in the year of 1866, he moved his family down? A Yes, sir.
Q Who were with him on that first trip? A I couldn't remember; Thomas Mayfield was one, and a brother Henry, the spring visit you mean?
Q Yes, sir? A Thomas Mayfield, brother Henry, and I don't remember.
Q Wilson Towers was along? A No, sir.
Q When did he come with him? A He didn't come with us.
Q Do you know whether or not you were in the Cherokee Nation at the time that your father came down and went over to old man Steve Little's and borrowed $10 to pay for a night's lodging to a white man up there? A Yes, sir, I was right up here on Big Creek.
Q What year was that? A It was in the following, it was '66, the following spring after we settled the place.
Q Tell me the year; I wasn't asking anything about the spring and fall? A I guess that must have been in the early spring ~~xxxx~~ about in 867, I am not very positive, but it was the following spring that our horses were stolen, because they stole one of my mares.
Q Then old man Little is mistaken when he says it was in the summer and corn was waist high when they come there, is he? A He testified that corn was waist high, but I don't know how high corn was; it was planted I know, we had planted and we were quite late in getting our corn in.
Q Had you seen Wilson Towers at that time in the Cherokee Nation that your ~~xxxxxxxxxx~~ father borrowed the $10? A I never saw him; the crowd come there and went in search of the horses; I am told he was in the bunch; Sim Rogers and Sam Mosely, better known as--- and Mose Smith; I wouldn't go on to state any more.

Q Where was Santa Ann Nivens? A I believe he was there; I aint positive.
Q As I understand you, George, then, old man Little and the parties who testified this morning to your father's coming to his house in the summer of 1866 to get this money to pay a night's lodging, are mistaken as to the year? A It was the following spring that our horses were stolen; they must have been mistaken, because it was the following spring, we came in the fall and the following spring our horses were stolen.
Q Is it true or not true as testified by old man Little in your behalf this morning that when your father came there and got the $10 to pay his board that he was there for the purpose of locating a home in and that he was going back to move his family down? A He didn't have to move us here; we were located already on the creek; it was on Big Creek that our horses were stolen.
Q What creek did you locate on first in the Cherokee Nation? A Big creek.
Q Near whose place? A No place.
Q Who was living on Big Creek, if anyone, when you, your father, brothers and sisters came to the Cherokee Nation? A There wasn't no Indians; the Delawares came after we settled the place; the Falleaf town was built right below us on the Creek. The nearest colored family that lived near us was Andy Daughesty and on further down about six miles Samuel Webber and this Samuel and Wilson Towers and old man Caesar Smith and several others I haven't time to call.
Q Did Wilson Towers live there on the creek when you moved to the Cherokee Nation? A Yes, sir, west from the old man Webbers place.
Q He came then before you and your father and family came? A They were there when we came.
Q How long after you settled did the Delawares come? A It must have been a little over a year.
Q Had you made a crop in the meantime? A Yes, sir.
Q Who of the Delawares first moved into your neighborhood? A Old man Falleaf is the only man I know.
Q Were there any others? A Yes, sir, quite a town of them.
Q How long did they live there near you? A Perhaps a year; quite a bit.
Q Can't you think of anyone else but Falleaf? A Yes, sir, his boys.
Q What were their names? A George.
Q The old man is dead, himself, isn't he? A Yes, sir, and George, too.
Q You think of no living Delaware that come there after you did? A No, sir, I don't know them, I guess they are all dead? A The old man and George is.
Q How about white men? A Wasn't any there when we come.
Q Well, the colored people? A I have told you all there was there
Q You are positive that Wilson Towers was living there on the creek when your father came to the Cherokee Nation? A They were all there.
Q Do you know W. H. Johnson? A Yes, sir.
Q You read his testimony as to how long you people lived there at Garnett? A Yes, sir.
Q He is a citizen of the State of Kansas? A Yes, sir.
Q A white man? A Yes, sir.
Q He has occupied several positions there in the county, hasn't he, since the war? A I don't know; I don't know the Johnson's very well.
Q Do you know George Campbell who testified in this case? A Yes, sir

Q And Tom Foster? A Yes, sir, Johnson knows me a little better than I know him.
Q He seems to know you quite well? A Says he does, but he don't.
Q Have you made any effort to get any of these white people around Garnett, Kansas, where you lived at the close of the war, to testify in your behalf? A No, sir.
Q Have you called on any of them to ascertain from them the date that your father and family left Garnett? A No, sir.
Q The last crop that you claim you made, then, was made in the year 1866 on the Campbell place? A Yes, sir.
Q How long did you leave Garnett before the railroad was built, in there? A There was no railroad there when I left as I remember, I don't remember.
Q Is it true or not true that you and your brothers helped haul ties for the construction of that road? A It is untrue; there was no railroad there.
Q Then Mr. Johnson is mistaken when he swears that you and your brother hauled cross-ties by his house most every day while the construction of the road was going on? A Yes, sir, he is mistaken.
Q Was there any colored people that you knew lived near Garnett, Kansas, in 1866? A Yes, sir.
Q Do you know whether there are any of them living? A There was the Bean family, our nearest neighbors; Thomas Mayfield lives on Grand River.
Q Were there none of the state raised people there? A No, sir, I believe there were no state raised niggers living near there; they were all Injun niggers; I was just going to give you a number of them; there was Sandy Bean-----
Q Where is he living now? A He is dead; his boys are living.
Q Who are his boys? A Joe Bean, Tobe, Arthur, Jake, there was the Adams', Joe Adams; he came on down here.
Q Where is he now? A Dead; Cag Adams, he is living there now.
Q In Garnett? A I suppose he is.
Q You haven't even seen him? A Didn't have to.
Q You didn't much want to go there without police, did you?
Didn't think I had to.
Q You did go up there to another town 25 or 30 miles away to get a fellow to swear what your father told him? A No, sir.
Q Didn't you send for this man? A No, sir, some of the family did.
Q You knew it? A No, sir; you fellows sent for them.
We sent to the place where you lived to get them? A Yes, sir.

Q And we didn't try to get fellows who were on the doubtful or straight cards, either? A I don't know.
Q Don't you know that the Cherokee Nation went to men who were non-citizens and who had never lived in the Cherokee Nation and who had no interest one way or the other in the result of the cases? Yes, after they come I knew it.

By Mr. Blue:
Q As a matter of fact, George, neither you nor your associates in this case went to a town 25 miles away to get a witness, did they? A No, sir.
Q Mr. Blackburn, who has been offered here as a witness, lives at Garnett, doesn't he? A Yes, sir.
Q And he has come from Garnett here to-day or yesterday? A Yes, sir
Q Coming back to the date when you came down to the Cherokee Nation, that was-----

Mr. Davenport: We object to going over that again and again.
Commission: I think that point has been gone over thoroughly.
Mr. Blue: They have mislead him, and I think we ought to go over it again.
Commission: Proceed.

Q When did you first come back to the Cherokee Nation? A In the fall of '66, we moved.
Q When did your father start from up there to come back here? A In the ~~fall of~~ Spring of '66.
Q Now, do you know whether or not at that time your father and those that were with him lost some horses? A At the time they returned back.
Q When he first came down here in 1866 to make his first selection do you know whether ~~xxxxxx~~ they lost any horses at that time or not? A No, sir, I don't know.
Q Did you hear the testimony of this old gentleman, Steve Little?
A Yes, sir.
Q Did you hear what he said about the date when your father first came to his house? A Yes, sir.
Q Do you remember what he said as to when he loaned him that money?
A Yes, sir, he said it was in the Spring of '66, to my best recollection.
Q You think it was in the spring of 1867? A I think it was, because we came here in the fall of '66, and our horses were not stolen until the following spring,, and it must have been '67.
Q What, if anything, do you know of your own personal knowledge about Mr. Little's making him a loan of money? A I know that father sent the money back, but I forget how, who, and he told the family that he borrowed $10 to assist him in the search for the horses, and I know he sent it back to Mr. Littles, I didn't know who it was, but afterwards I formed an ~~xxxxxxx~~ acquaintance with him.
Q Were you there when the money was borrowed? A No, sir, I was at home then.
Q Then you were not present at all when he went to Mr. Little's and got the money? A No, sir.
Q Don't claim to have been? A No, sir.
Q And what you know about that loan is what your father said about his starting money back to Mr. Little? A Yes, sir, that is all.
Q You think it was in 1867? A Yes, sir, that is my best recollection; I think the old man made a mistake.
Q But you do know that your father and his family were in the Cherokee Nation at their home in November, 1866? A Yes, sir.
Q And that home has been there ever since? A Yes, sir.

Q You spoke of W. A. Johnson, do you know whether he is living now?
A I heard he was dead.
Q Do you know what his profession was? A No, I don't know, but I heard.
Q Wasn't he a lawyer? A Yes, sir, we always called him lawyer Johnson.
Q To your knowledge did he ever visit your father's home at any time while he lived in Kansas? A No, sir, not as I know of.
Q To your knowledge did he have any acquaintanceship with your father in Kansas? A I know more of him through father than anyone else.

Q Did you boys and girls have any acquaintance with him? A No, sir.
Q Were you and Joshua up in Kansas in 1870, at any time, at work there at anything, or either or you? A Yes, I worked around there in '70 and was back up there workin so much I really couldn't tell, but I know that I and my brother were working up there in Kansas when the L L & G made its first arrival in Garnett.
Q Is that the road that they called the Southern Kansas afterwards? A I suppose, we always known it to be the L L & T; it may be called the Southern Kansas.
Q Did you or your brother, or both of you, haul cross ties at any time for any railroad? A No, sir, never hauled a tie in Kansas in my life.
Q During the time that you worked, as you stated, up there, did you work any on crops of corn for farmers? A Yes, sir, we cut up corn some years, and done anything we could get hold of; I remember we cut up corn for people.
Q Did you work together up there or separately? A Sometimes together and sometimes we didn't; I always wanted to be with brother, because I was younger, and when we could get jobs together we went together.
Q You thought about this work across ties before you were cross-examined, didn't you? A I had, yes, sir.

By Mr. Davenport:

Q What year was it you and your brother were back in Kansas at work? A It was from the time we came back, from the spring of '69 until we could do better; I couldn't say specially---
Q What kind of work? A Anything we could get to do.
Q Can't you tell me anything ? A We cut corn?
Q For whom did you cut corn? A I can't remember; it has been a good while ago.
Q Can't you remember a single man you cut corn for before or after you come to the Cherokee Nation, if you cut at all A I cut for Gibson.
Q How far did Gibson live from Garnett, Kansas? A Adjoining farm to the Campbell farm.
Q Who else did you work for and what kind of work did you do? A I wouldn't go to work and tell you every man and what kind; it has been so long.
Q You remember everything you did in 1868? A Yes, sir.
Q Then why can't you tell about some other year? A I can't say that I am able to tell every man I worked for; I didn't make any memorandum.
Q Did you make any memorandum of the year 1868? A I did not. I guess you all know Dr. Miller.
A I didn't. A He was a man that came around through Kansas and was telling freedmen that there was a treaty made and if they would come back at once they would get homes, and would enjoy the same privileges and immunities as Cherokees; father was preaching and travelling and came home and told him he believed he would take his family and go back to the Nation, that he had seen Dr. Miller in Fort Scott and he said that if he would go back he would get rights the same as Cherokees.
Q Don't you know that you have testified in the last half hour that your father came to the Cherokee Nation in the Spring of 1868, for the purpose of locating him a farm and getting him a home? A Yes, sir.

Q Don't you know that that was months before the treaty was made, giving freedmen rights in the Cherokee Nation? A I don't know; I know he came back in the spring of '66, and if he got here before the treaty was made he got here too soon.
Q Don't you know he didn't say anything about coming back to get a home in the Spring of 1866? A Of course he did.

By Mr. Blue:
Q You do know, as a matter of fact, George, that your father, Nathan Duffin, with his family, all come to the Cherokee Nation and located in November, 1866? A Yes, sir.

Mr. Blue: Applicants close their testimony up to this time, so far as I know; if there is other evidence to be introduced, I want the privilege of cross-examination and rebuttal.

Commission: It has been the custom of the Commission to introduce in these cases, the testimony in other cases, to throw any light upon the facts.

Mr. Blue: What I want to have in this case is my right to object to the introduction of the records in other case, on the ground that it is incompetent, immaterial, irrelevant, denies to the applicant the right to cross-examine the witnesses who have testified in these cases, and precludes him from an opportunity to rebut the testimony of the witnesses offered in said case or cases. And if said testimony, records or decisions in said cases are tendered and admitted, I then desire to offer a motion to strike from the record and testimony in this case all of said records, testimony and evidence in said case or cases admitted, for the reasons set forth in the objection to their admission, and if said testimony, decisions and records in other cases are admitted the counsel for applicants then demand the right to cross-examine the witnesses who have testified against them and to rebut any testimony, evidence, documents or decisions so admitted against them.

Mr. Davenport: The representatives of the Cherokee Nation, in view of the fact that the testimony of George B. Duffin shows that Wilson Towers was on Big Creek there and his father's family returned to the Cherokee Nation, desire that the Commission make reference to the case of Wilson Towers, which was formerly D. . 466, but now D. . 276, that reference be had to same in making up the decision in this case.

Mr. Blue: To which counsel for the applicants in this case enters the objection, as stated above, he desired to offered at the introduction of this character of testimony, and in addition thereto objects because the decision and the testimony upon which it is based is incompetent, irrelevant and immaterial and is an attempt to impeach the testimony of George B. Duffin without having called to his attention the testimony he had given in said case, or that any other witnesses in said Towers case had given in opposition to his testimony in this case, and counsel for applicants, if said decision and testimony in said Towers case is admitted by the Commission, moves for the same reasons and objections above given, to strike said decision and the testimony therein offered herein, from the record of this application, and if said motion is overruled by the Commission and said decision and testimony is considered herein, then Counsel for the applicants requests that opportunity be given to cross examine the witnesses in said case whose testimony affects the testimony of George Duffin herein, and that the said George Duffin have opportunity to rebut the testimony of said witnesses whose testimony is used herein for the purpose of impeaching and affecting the testimony of George B. Duffin.

Commission: The statement, motions and objections of the counsel in this case will be noted and made a part of the record herein, and this case is now considered closed. The applicants' attorney will be given 15 days in which to file argument in this case, a copy of which they will be required to furnish the attorneys for the Cherokee Nation.

o-o-o-o-o-o-o-o-o

H. W. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) H. W. Vance.

Subscribed and sworn to before me this the 4th day of August, 1904.

(Signed) Wm.T. Martin, Jr.

Notary Public.

(SEAL)

----:-----

Edith L. Morey, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above and foregoing copy and that the same is a true and correct copy of the original transcript.

Edith L. Morey,

Subscribed and sworn to before me this 1st day of September, 1904.

J. B. Campbell

Notary Public.

A. F. No.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of George B. Duffin et al. as Cherokee Freedmen, consolidating the applications of:

George B. Duffin,	Cherokee	Freedmen	D 505,
Sarah Moss, et al.	"	"	D 506,
Eliza Keys,	"	"	D 507,
Joshua Duffin,	"	"	D 509,
Frank Duffin,	"	"	R 109,
George Nathan Moss,	"	"	D 510.

-: D E C I S I O N :-

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to this Commission by George B. Duffin for himself; by Sarah Moss for herself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight Lyman and Willie Moss; by Eliza Keys for herself; by Joshua Duffin for himself and minor child, Frank Duffin; and by George Nathan Moss for himself. The record further shows that on July 10, 1903, the Commission rendered its decision herein denying said applicants the right to enrollment as Cherokee freedmen, and that said decision was duly forwarded to the Department; that thereafter, on May 20, 1904 (Departmental letter I. T. D. 282-04), this case was remanded by the Department for further testimony, and on July 16 and 28, 1904, supplemental testimony in the matter of said applications was taken at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicants, George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin, claim the right to enrollment as Cherokee freedmen by virtue of their compliance with the treaty stipulations of 1866, and that the other applicants herein claim the right to enrollment as Cherokee freedmen as descendants of the said applicants, Sarah Moss and Joshua Duffin.

GEORGE B. DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am forty-nine years old and am the son of Nathan and Frances Duffin, both deceased. I and my mother, before the war, belonged to Dr. John Thornton, a Cherokee citizen, and I was taken to Fort Scott, Kansas, during the rebellion, and with my father and his family returned to the Cherokee Nation and located on Big Creek, in November, 1866, and have since continuously lived in said Nation. We came from near Garnett, Anderson County, Kansas, and upon our arrival in the Cherokee Nation, found Andy Daugherty and Daniel and Mike Sanders and Sam Webber living on Big Creek; they had some little patches broken out, from which they had gathered the crops for that year.

Said applicant being recalled and further examined by the Commission, testified as follows: When I can first remember I was living in Goingsnake District, Cherokee Nation, about six miles from Dutchtown. I remember distinctly when I was taken from the Cherokee Nation to Kansas, and since my return to the Cherokee Nation I have been out occasionally in the different states, as a minister, and spent two years at school at Baker University (Kansas).

SARAH MOSS appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of her application for enrollment as a Cherokee freedman testified as follows: I am forty-three years old, and am the wife of Richard Moss, a non-citizen of the Cherokee Nation, who is the father of my children, all of whom were born in the Cherokee Nation since 1866. I am a sister of the applicant, George B. Duffin, and the daughter of Nathan and Frances Duffin, both deceased. I and my mother were the slaves of one Dr. John Thornton, a Cherokee citizen. I returned to the Cherokee Nation after the war with my father, brothers and sisters, and have since continuously lived in said Nation.

ELIZA KEYS appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of her application for enrollment as a Cherokee freedman, testified as follows: I am forty years old, and am the daughter of Nathan Duffin and Fannie Thornton (Frances Duffin), and the sister of the applicants, George B. and Joshua Duffin and Sarah Moss. I was taken to Kansas during the war, and have continuously lived in the Cherokee Nation since I returned thereto after the rebellion.

JOSHUA DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am about forty-nine or fifty years old. I was the slave of Dr. John Thornton before the war, went to Fort Scott, Kansas, during said war, and returned to the Cherokee Nation some time during the

summer of '66, with my sister Sarah (Moss) and brother George (Duffin). The minor applicant, Frank Duffin, is my illegitimate son, and is sixteen or seventeen years old. (Cherokee Freedman Enrollment card No. R 109 shows that Annice Johnson, deceased, mother of the said Frank Duffin, was a non-citizen of the Cherokee Nation). I remember when we returned to the Cherokee Nation after the war, it was in July or August, and Mr. Webber and Towers and Ways all had their corn laid by when we arrived. I have never been in Kansas longer than two weeks at a time since I removed to the Cherokee Nation after the rebellion.

GEORGE NATHAN DUFFIN appeared before the Commission at Chelsea, Indian Territory, on June 5, 1901, and in support of his application for enrollment as a Cherokee freedman, testified as follows: I am twenty-two years old, and am the son of one Richard Moss, a non-citizen, and the applicant herein, Sarah Moss.

GEORGE B. DUFFIN appeared before the Commission at Muskogee, Indian Territory, on July 28, 1904, and in support of his application for enrollment as a Cherokee freedman further testified as follows: After we came to the Cherokee Nation in November, '66, and got settled, myself and brother went back to Kansas with our teams and worked. Wilson Towers and family were living on Big Creek when we came there in 1866. Myself and brother went back to Kansas in the spring of '66 ('67) and worked until we could do better, but don't know just when that was.

ALLEN LYNCH, FILMORE WICKS, MOSES RILEY, SAM WEBBER, GEORGE W. LYNCH, MARIAH FRENCH, STEPHEN LITTLE AND WASHINGTON BLACKBURN, testified at different times and places on behalf of the applicants herein, but with the exception of Moses Riley, Sam Webber and George W. Lynch, none of said witnesses give any material testimony tending to show that the applicants, George B. and Joshua Duffin, Sarah Moss and Eliza Keys, were in the Cherokee Nation during the interval between the close of the rebellion and February 11, 1867.

MOSES RILEY testified as follows: I am fifty-one years old and have known the applicant, George B. Duffin very near all my life. Saw him in Kansas during the war, and again in the Cherokee Nation just before Christmas in '6 . I was just a boy when I saw said applicant in '66, and lived about thirty miles from him.

SAM WEBBER testified as follows: I am fifty-eight years old and have known the applicant, Sarah Moss, ever since her father, Nathan Duffin, brought his wife and two boys, George and Joshua, and two girls, Eliza and Sarah Duffin, to the Cherokee Nation and located on Big Creek, just before Christmas, 1866.

GEORGE W. LYNCH testified as follows: I was born in December, 1852. I know the applicants, George B. Duffin, Sarah

Moss, Eliza Keys, Joshua Duffin and George Nathan Moss. I knew Nathan Duffin and first saw him and his family in the Cherokee Nation on Big Creek, about February 1, 1867, when, one morning I and Art Williams happened by Nathan Duffin's place and stopped for breakfast, I, at that time, was on my way to Fort Leavenworth to join the army.

W. A. JOHNSON, J. W. JOHNSON, GEORGE CAMPBELL AND THOMAS POSIER, on behalf of the Cherokee Nation, testified at different times and places in this case, and identify the applicants George R. and Joshua Duffin, Sarah Moss, nee Duffin, and Eliza Keys, nee Duffin, as having continuously lived near Garnett, Anderson County, Kansas, during the first three years subsequent to the close of the rebellion.

Excepting the Wallace and Kern-Clifton rolls, none of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

In connection with parts of the testimony set out below together with the status and credibility of some of the witnesses who testify in this case, attention is called to certain facts which the records of the Commission show to exist, and with which the Commission is thoroughly familiar:

George R. Duffin, applicant, testifies positively that upon his family's removal to the Cherokee Nation after the rebellion Daniel and Mike Sanders and Sam Webber were living on Big Creek, and had patches broken out, from which they had gathered the crops for that year; also, that Wilson Towers was living on Big Creek at that time. The advance guard of the Webber-Sanders detachment of freedmen, after the rebellion, first came from Kansas to the Big Creek country, Cherokee Nation, about August, 1866, remained a few weeks, during which time they selected their locations and did some work on their houses, and then returned to Kansas. They again visited the Cherokee Nation in December, 1866, remained a few days, during which time they did some more work on their houses and then returned to Kansas, and during the months of March and April, 1867, said colony of freedmen, with their families, arrived and permanently located in the Cherokee Nation consequently, the first crops they raised in the Cherokee Nation after the rebellion was during the year 1867. In C. F. D. 466 (now R 276), the Commission has heretofore found that the said Wilson Towers did not remove from Kansas to the Cherokee Nation until the year 1868, and on April 25, 1904 (Departmental letter 2304-04), its finding was approved by the Department.

In re witness Moses Riley: The testimony in C. F. D. 258 shows beyond little doubt that the said Moses Riley did not return to the Cherokee Nation until the fall of 1867. In C. F. D. 265 the Commission has heretofore found that Emma Purtle, who is a full sister of the said Moses Riley, and who was taken from the Cherokee Nation during the rebellion and returned thereto after said rebellion with her brother, Moses Riley, did not return to the Cherokee Nation after the rebellion within the time specified in the Whitmire decree, and on November 12, 1904, its finding was approved by the Department.

In re witness Sam Webber: The Commission does not hesitate to say that the testimony of this witness is wholly unreliable and worthy of no credit whatever. There is on record with this Commission evidence filed in numerous freedman cases, which shows conclusively that the said Sam Webber did not, after the rebellion, live in the Cherokee Nation prior to the spring of 1867.

In re testimony of George W. Lynch: This witness testified that he was born in December, 1852, and about February 1, 1867, was on his way to join the United States army, and later in the spring of the same year joined the army at Fort Leavenworth, Kansas, and was discharged in the year 1872. This testimony seems somewhat remarkable in view of the fact that on February 1, 1867 the witness must have been less than two months past his fourteenth year, and for enlistment in the United States army at that time the age limits were eighteen and forty-five years.

The testimony of W. A. Johnson, J. M. Johnson, George Campbell and Thomas Foster, witnesses on behalf of the Cherokee Nation, who appear to be intelligent, disinterested, and unbiased, and who connect the matters of which they testify with events in their own experience that would naturally impress the dates upon their minds, is, on the whole, consistent, and shows beyond little doubt that the applicants, George B. and Joshua Duffin, Sarah Moss and Eliza Keys, were living near Garnett, Anderson County, Kansas, during the years 1866, 1867, and 1868.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the applicants, George B. Duffin, Joshua Duffin, Sarah Moss, and Eliza Keys, were the slaves of a Cherokee citizen before the rebellion, (The evidence does not affirmatively show that the said applicants were the slaves of a Cherokee citizen at the commencement of the rebellion, although it does strongly indicate that they were); that they were taken from the Cherokee Nation during said rebellion and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al. for the return of Cherokee freedmen to said Nation; and that the applicants, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight Lyman, Willie and George Nathan Moss, and Frank Duffin, were born since 1866, are descendants of the applicants, Sarah Moss and Joshua Duffin, and possess no rights to enrollment as Cherokee freedmen other than as such descendants.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight Lyman Moss, Willie Moss

Eliza Keys, Joshua Duffin, Frank Duffin and George Nathan Ross, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

(Signed) T. B. Needles
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,

this JUN 16 1906

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George B. Duffin, et al. for enrollment as Cherokee Freedmen, consolidating the applications of

George B. Duffin,.....Cherokee Freedmen D 505
Sarah Moss et al.....Cherokee Freedmen D 506
Eliza Keys.....Cherokee Freedmen D 507
Joshua Duffin.....Cherokee Freedmen D 509
Frank Duffin.....Cherokee Freedmen R 109
George N. Moss.....Cherokee Freedmen D 510

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by George B. Duffin, for himself; by Sarah Moss, for herself and minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss; by Eliza Keys, for herself; by Joshua Duffin, for himself and minor son, Frank Duffin; and by George N. Moss, for himself.

The evidence shows that the applicants, George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin, were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867.

The evidence further shows that the applicant, Frank Duffin, has been born since 1866 and is the son of and claims right to enrollment through the said Joshua Duffin; that all the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through the said Sarah Moss.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight L. Moss, Willie Moss, Eliza Keys, Joshua

Duffin, Frank Duffin and George N. Moss, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

(SIGNED)

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this JUL 10 1903

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. George H. Moss,
Kinnison, I. T.
Cherokee-F-D-510.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

N

F. D. 510

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the .....day of ..... A. D. 190...

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of ..... 190..

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT. } S. S.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the day of ..... A. D. 190..

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

COMMISSION OF THE CHEROKEE NATION

FILED
SEP 21 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of George N. Moss for enrollment as Cherokee Freedmen:

Case No. F. D 540

To ~~George N. Moss or Mollette & Smith his Attys.~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 10th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 2 1901

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 5 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Tahlequah, I.T.

District [illegible]

1. Name ~~Velma Moss~~ George W. Moss Age 22

Owner's name Citizenship

Year 1896 Page 187 No. 4449 District 200

Parents:

Father Leonard Moss Citizenship Freedmen

Mother Lucinda " Citizenship "

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by Stenographer

On behalf of George Moss

on Wallace Roll C 131 No 2751, George W. Moss, Freedman

Appeals No 505 & No 506,

Represented by Mellette & Smith, Tahlequah, I.T.

C-78
5-10

Vinita Indian Territory Aug 1907

Received of the Commission to the Five Civilized Tribes one copy of the testimony in 570

Blue & Clark
Attorney for Applicant

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of June 5th, 1901 in the matter of the application of George N. Moss for enrollment as a Freedman of the Cherokee Nation.

Mellette & Smith
Attorney for Applicant.

Cherokee F. #D510.

COPY

Cherokee Freedmen
D-510.

Muskogee, Indian Territory, July 23, 1903.

George N. Moss,

Kinnison, I. T.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of George B. Duffin, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorneys, Mellette & Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.

Enc. H-59.

COPY

Cherokee Freedmen
D-505, D-506, D-507,
D-509, R-109, D-510.

Muskogee, Indian Territory, July 23, 1903.

Mellette & Smith,
Attorneys for George B. Duffin, et al.,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony in the consolidated case of George B. Duffin, et al., together with a copy of the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Almira, Dwight L., and Willie Ross, Eliza Keys, Joshua Duffin, Frank Duffin and George W. Ross, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.
Enc. H-60.

Cherokee Freedmen
D-505, D-506, D-507,
D-509, R-109, D-510.

Muskogee, Indian Territory, July 23, 1903.

W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of George B. Duffin, et al., rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George K. Moss, as Cherokee Freedmen.

The decision, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Commissioner in Charge.

Register.
Enc. H-61.

COPY

Cherokee Freedmen
D-505, D-506, D-507,
D-509, R-109, D-510.

Muskogee, Indian Territory, July 23, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of George B. Duffin, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Almira, Dwight L. and Willis Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George H. Moss, as Cherokee Freedmen.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. M-62.

-Copy-

Refer in reply to the following:

Land. 47049-1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan. 11, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for the consideration of the Department, a record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of George W. Duffin, for the enrollment of himself; of Sarah Moss for the enrollment of herself and her minor children, Julia, Sanford Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss; of Eliza Keys for the enrollment of herself; of Joshua Duffin, for the enrollment of himself and his minor son, Frank Duffin, and of George W. Moss for the enrollment of himself - all as Cherokee freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicants George W. Duffin, Sarah Moss, Eliza Keyes and Joshua Duffin were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867; that the applicant, Frank Duffin has been born since 1866, i the son of and claims right to enrollment through the said Joshua Duffin; that all the

other applicants have been born since 1866, and are descendants of and claim right to enrollment through the said Sarah Moss.

The Commission further says in said decision, that none of the names of the applicants herein is found on the 1880 authenticated roll of the Cherokee Nation, and by reason of this fact and said findings, the Commission is of the opinion that the enrollment of these applicants should be denied under the provisions of Section 21, of the Act of Congress approved June 28, 1898 (30 Stats., 495).

I have examined the testimony submitted in behalf of these applicants, and also that submitted on behalf of the Cherokee Nation, and I am not satisfied that said opinion of the Commission was fully warranted by said testimony. The applicant, George W. Duffin, gives a very straight forward statement as to his birth, or rather his whereabouts from his earliest recollection, and standing alone, his evidence makes out his case. His testimony is supported by the testimony of the witness, Allen Lynch. The witness Wilmore Hicks, also substantiates the claim of said applicant, to the effect that applicant's father was in the Cherokee Nation in 1866, but the Commission shows that the statements of this witness cannot very well be relied upon. The next witness in behalf of said applicant is Moses Riley, who also testified that the applicant's father returned to the Cherokee Nation along about 1866. The said applicant is then re-called, after which the Nation calls two witnesses; viz: W. A. Johnson and J. M. Johnson, who both testify that they have resided at Garnett, Kansas, since 1858 or 9; that they knew

Nathan Duffin, the father of said George B. Duffin, and also knew his family, and they further testify that the said Nathan Duffin and his family resided at or near, Garnett, Kansas, in the year 1870. They fix this date by reason of the fact that the Santa Fe Railroad then the M.K.& G. was built at that time, and it is claimed by these witnesses, that said applicant and his brother were then working time for said railroad. These two witnesses submit the only evidence that appears of record which shows that the claim of these applicants is not true.

It occurs to me that the Commission should have at least confronted the applicants with the facts testified to by the Johnsons, and had said testimony either admitted or denied by them. If, as a matter of fact, these applicants never returned to the Cherokee Nation until 1870, or later, it occurs to me that there ought to be several persons yet living in the Cherokee Nation who could testify that Nathan Duffin and his family did not reside on Big Creek in the Cherokee Nation at the place and at the time they claim to have resided there before 1870. It further appears from the testimony, which is not denied, that the applicant George B. Duffin has voted in the Cherokee Nation and has held permits therein. It is claimed by him and not denied that he was the slave of a Cherokee citizen and was taken out of the Cherokee Nation when a child, by the United States troops. It may be that the Johnsons are very credible witnesses and that their statements are entitled to great weight, but I hestitate to recommend that the

applications of all these parties be denied solely upon the testimony of two persons residing in the State of Kansas, who undertake to give definite information relative to a colored family whom they do not appear to have seen for more than thirty years. Then, too, a close analysis of their testimony shows that they do not claim to have any definite knowledge of the whereabouts of these people from 1866 to 1870. The applicants themselves testify that they have worked at divers times in Kansas, and the testimony of the Johnsons might be true and yet these parties entitled to enrollment as Cherokee Freedmen citizens of the Cherokee Nation. These applicants make this claim and substantiate it in a large degree, and if possible I consider that the Cherokee Nation should positively show that their claim is not a valid one. The amount involved in a case like this is such that the issue raised should not be passed over lightly. If all of these applicants are entitled to enrollment, as Cherokee Freedmen citizens of the Cherokee Nation, it is a matter of very great importance to them to be so enrolled, and if on the other hand they are seeking to perpetrate a fraud on said Nation and secure valuable rights to which they are not entitled it is very important that the Nation show conclusively, that their claim is fraudulent, and the question should not be left in doubt in any way if there is evidence obtainable that will show conclusively either that the parties are entitled to enrollment or that their enrollment should be denied.

The decision of the Commission in this case throws no light upon the testimony. They saw the witnesses and heard them testify, but I find nothing in the decision as to the credibility of the different witnesses.

By reason of all the above facts, I consider that in justice to both the applicants and the Cherokee Nation, this case should be remanded to the Commission for a further hearing and opinion along the lines indicated in this review of the case.

Very respectfully,

(Signed) W. A Jones,

Commissioner.

W.C.B. A.C.T.

L.

D.C. 17603-1904.

I.T.D. 222-1904.

L R S

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J.P.

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DEPARTMENT OF THE INTERIOR,

WASHINGTON. May 20, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

July 23, 1903, you transmitted the record of proceedings had in the consolidated case of George B. Duffin, et al., including your decision of July 10, 1903, rejecting the applications for the enrollment of George B. Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin and George N. Moss, as Cherokee Freedmen.

It appears that George B. Duffin, Sarah Moss, Eliza Keys and Joshua Duffin were slaves of Cherokee citizens at the commencement of the rebellion; that the other applicants were born since 1866, and are descendants of Joshua Duffin or Sarah Moss. You state in your decision that during the rebellion these applicants left the Cherokee Nation and did not return thereto until after January 19, 1867.

Reporting in the matter January 11, 1904, the Commissioner of Indian Affairs takes the view that the evidence does not show clearly that the applicants did not return to the Cherokee Nation within the time provided by the Cherokee treaty of 1866, and states

that in justice to both the applicants and the Cherokee Nation the case should, in his opinion, be remanded to you for a further hearing, and an opinion from you as to the reliability of the evidence introduced.

The Department is of the opinion that further evidence should be secured, if possible, before the applicants' rights are finally adjudicated. The testimony submitted is therefore returned and it is desired that you secure, if possible, such further evidence as will more clearly show whether or not the applicants are entitled to enrollment. A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan.

Acting Secretary

2 inclosures.

Cherokee Freedmen
D-805 et al.

Muskogee, Indian Territory, June 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Almira, Dwight L. and Willie Moss, Eliza Hays and George H. Moss.

In accordance with Departmental instuctions the principal applicants have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-16.

Cherokee Freedmen
D-505 et al.

Muskogee, Indian Territory, June 4, 1904.

Edgar Smith,

Attorney for George B. Duffin et al.,

Vinita, Indian Territory.

Dear Sir:

In the consolidated case of George B. Duffin et al., applicants for enrollment as Cherokee freedmen, you are advised that the Commission is in receipt of Departmental letter of May 20, remanding the Commission's decision of July 10, 1903, rejecting the applications for the enrollment of George B., Joshua and Frank Duffin, Sarah, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight L. and Willie Moss, Eliza Keys and George W. Moss.

In accordance with departmental instructions the principal applicants in this case have this day been advised that they will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of their claims. It is particularly desired that they introduce testimony tending to show the date of the return to the Cherokee Nation after the close of the war of themselves and the persons through whom they claim right to enrollment. The applicants have been requested to introduce

witnesses other than those heretofore introduced by them.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-15.

Cherokee Freedmen
D-510.

Muskogee, Indian Territory, June 4, 1904.

George N. Moss,

Kinnison, Indian Territory.

Dear Sir:

In the matter of your application for enrollment as a Cherokee freedman, you are advised that the Commission is in receipt of Departmental letter of May 20, 1904, remanding the Commission's decision of July 10, 1903, rejecting, among others, your application.

In accordance with Departmental instructions you are advised that you will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Saturday, June 18, 1904, and introduce further testimony in support of your claim. It is particularly desired that you offer testimony tending to show the date of the return to the Cherokee Nation after the close of the war of the persons through whom you claim right to enrollment. You are requested to introduce witnesses other than those heretofore introduced by you.

For your information there is herewith enclosed a copy of the Department's letter.

Respectfully,

Chairman.

Enc. D-13

Cherokee Freedmen
D-505-4-7-8-10
R-109

Muskogee, Indian Territory, August 13, 1904.

Blue & Clover,

Attorneys for George H. Duffin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of record of supplemental proceedings recently had in Cherokee Freedmen D-505, et al., George H. Duffin, et al. There is also enclosed a blank form of receipt for said [illegible], which you are requested to sign and return to the Commission.

Very carefully,

Commissioner in Charge.

Encl. S-31.

COPY.

Cherokee Freedmen

D-510.

Muskogee, Indian Territory, June 16, 1905.

George Nathan Moss,

Minnison, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, the application for your enrollment as a Cherokee Freedman. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Tams Bixby.
Chairman.

Incl. S-57
Register

COPY.

Cherokee Freedmen

D-50 , et al.

Muskogee, Indian Territory, June 16, 1905.

Blue & Pulner,

Attorneys for George B. Duffin, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 10, 1905, rejecting the applications for the enrollment of George B. Duffin, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has already been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Very truly,

Tams Bixby.

Chairman.

Incl. C-54.
Register.

COPY.

Cherokee Freedmen

D-505, et al.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of George B. Duffin, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Tams Bixby.
Chairman.

Incl. S-55.

Cherokee Freedmen
D-505, et al.

Muskogee, Indian Territory, June 1[illegible], 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of [illegible] F. Duffin, et al., as Cherokee freedmen, including the Commission's decision dated June 14, 1905, [illegible] said applications.

On May 22, 1904, [illegible] in case for [illegible] and modification.

Respectfully,

Chairman.

Incl. 2460.

Through the

Commissioner of Indian Affairs.

Land.
47225-1905.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

July 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, tmansmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by George B.Duffin for himself; by Sarah Moss for herself and her minor children, Julia, Sanford, Howard, Samantha, Rutherford, Elmira, Dwight, Lyman and Willie Moss; by Eliza Keys for herself; by Joshua Duffin for himself and his minor child, Frank Duffin; and by George Nathan Moss for himself.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that on July 10, 1903, the Commission rendered a decision denying the applicants enrollment; that thereafter, on May 20, 1904 (I.T.D.222-1904) the Department remanded the case for further testimony. The record further shows that the applicants, George B.Duffin, Joshua Duffin, Moss and Eliza Keys were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken

out of the Cherokee Nation during the war and that they did not return thereto on or before February 11, 1867; that the other applicants were born since 1866, are descendants of Sarah Moss and Joshua Duffin, and possess no rights to enrollment other than as such descendants.

In view of the record the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.
W.

.C.52116 COPY J.Y.Jr.

DEPARTMENT OF THE INTERIOR, LLB

I.T.D.8194-1905. WASHINGTON. November 26, 1906.
8525- "

LRS.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 11, 1905 (Land 47225), the Indian Office transmitted the record in the matter of the consolidated applications for the enrollment of George B. Duffin, Sarah Moss, Julia Moss, Sanford Moss, Howard Moss, Samantha Moss, Rutherford Moss, Elmira Moss, Dwight Lyman Moss, Willie Moss, Eliza Keys, Joshua Duffin, Frank Duffin, and George Nathan Moss as Cherokee freedmen, including the decision of the Commission to the Five Civilized Tribes, adverse to the applicants.

The Indian Office recommended that the Commission's decision be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys ofor the applicants filed a motion for review of said decision.

There appears to be no proper reason for granting said motion and it is hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including the motion for review, have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 inc.and 3 to Ind. Of.

Cherokee Freed.
D 510.

Muskogee, Indian Territory, December 5, 1906.

George Nathan Moss,

Kinnison, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of your case filed by your Attorneys September 7, 1906, denied.

Respectfully,

S.W.

Acting Commissioner.

Cherokee Freed.
D 505, et al.

Muskogee, Indian Territory, December 5, 1906.

Blue & Bulger,

Attorneys for George B. Duffin, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of George B. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and your motion for review of said case, filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.W-1.
S.W.

Acting Commissioner.

Cherokee Freed.
D 505, et al.

Muskogee, Indian Territory, December 5, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of George B. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of said case filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl. W-2.
S.W.

Acting Commissioner.

Cherokee Freed.
D 505, et al.

Muskogee, Indian Territory, December 5, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications of George R. Duffin, et al., for enrollment as Cherokee freedmen was affirmed by the Secretary of the Interior November 26, 1906, and the motion for review of said case filed September 7, 1905, denied.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Acting Commissioner.

Encl. W-2.
S.W.

Cher. Fr. R-914

Cher. Fr. R 914

Trans. from Cher. Fr. D 522

Department of the Interior.
Commission to the Five Civilized Tribes.
Chelsea, I. T., June 5, 1901.

In the matter of the application of Robert Foster for enrollment as a Cherokee Freedman; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

A. S. McRea, Attorney for Applicant.

Appearances:

J. S. Davenport, Counsel for Cherokee Nation

Q Give me your name. A Robert Foster.
Q How old are you? A 58.
Q What is your postoffice? A Vinita.
Q In what district do you live? A Delaware District.
Q Do you want to ### be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you apply for your family? A They have ### done been enrolled - just myself.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How comes it that you weremt applied for when your family was applied for? A I wasn't ready; she went in under her father's name.
Q That isn't her name at present? A No sir, Hester Foster, is her name; she is the daughter of Joe Lynch.
Q She applied as a Foster? A Yes sir.
Q That is her name at this time? A Yes sir.
Q But didn't apply for you? A No sir.
Q Give me the name of your father. A Bob Foster.
Q Is he dead? A Yes sir.
Q How long has he been dead? A About 38 years.
Q Give me the name of your mother. A Eliza Foster.
Q She is dead? A Yes sir.
Q How long has she been dead? A About 46 years, as close as I can get at it.
Q Were you a slave in the Cherokee Nation? A Yes sir.
Q When the war broke out? A Yes sir.
Q To whom did you belong? A Elizabeth Foster, wife of Wiley Foster.
Q Was Wiley Foster a Cherokee citizen? A No sir, he was a white man.
Q Was Elizabeth Foster a Cherokee citizen? A Yes sir.
Q Where were you during the war? A Texas.

The 188 authenticated roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw Cherokee strip money? A No sir. I am on the Wallace Roll.

The Kerns Clifton Roll examined and the name of the applicant not found thereon.

The Wallace Roll examined and the name of the applicant is found on page 113, No. 2398, Robert Foster, Delaware Dist.

Q How does it happen that you are not on the roll of 1880? A Well, I don't know - I was up here before the Court; it seems they couldn't find my name when they wanted to pay off that money.
Q I am talking about the roll of 1880 now? A I went to enroll before Joe Thompson in Delaware District, and he enrolled me alright with my family, Anika Foster and four children.
Q Who is Anika? A That was my first wife.
Q Is she dead? A Yes sir.
Q Is she on that roll? A Yes sir.
Q You had a wife then and four children? A Yes sir, just one child by her, but she had three when I married her.
Q She was enrolled was she? A Yes sir.
Q But you weren'tenrolled? A I was enrolled, but they couldn't find my name when it come to pay the money.
Q How about the Kern Clifton Roll? A I didn't get on that; I went before the Court alright.

B- R. F.

Q Why didn't you get on it? A I don't know the reason.
Q Do you know why you are not on the roll of 1896? A No sir, I applied before them too.
Q Did you ever appear before the Cherokee Court at Tahlequah or Fort Gibson to have your rights recognized? A No sir.
Q Did you ever appear beforethe Dawes Commission in '96 - five years ago? A Yes sir.
Q Did you come before the Dawes Commission four or five years ago? A No sir.
Q Why did you say,"yes sir" for? A No sir, I didn't appear before the Dawes Commission then.
Q You never went before any Court or Commission except the Wallace, did you? A I went before the Kern Clifton Commission and the Wallace.
Q Those two only? A Yes sir.
Q Where were you in Texas during the war? A I was in Hunt County, Texas.
Q Did you marry down there? A No sir.
Q Where did you first marry? A On Grand River, Delaware District.
Q How long after the war? A I couldn't hardly tell you; it has been twenty-four years ago since I was married - my first marriage.
Q When did you come back from Texas? A In the spring of '66.
Q Who did you come with? A A man they called Hugh Dobkins with a bunch of cattle.
Q Is he alive now? A No sir, he is dead.
A. S. McRea: Fos er, you say you went to Texas before the war? A No sir, during the war.
Q When did you return? A In the spring of '66.
Q Where to? A Grand River.
Q Where is that? A Close to Vinita.
Q In the Cherokee Nation? A Yes sir.
Q Since you landed there have you continuously lived there an that place? A When I come there, I went to Fort Gibson.
Q How long did you remain at Fort Gibson? A About one month.
Q Then where did you go? A To Webbers Falls.
Q How long did you remain there? A About two months.
Q Then where did you go? A Came back to Grand River.
Commissioner: Have you lived in the Cherokee Nation ever since you came back from Texas all the time? A Yes sir.
A. S. McRea: Have you acquired any possessions from the public domain in the Cherokee Nation? A Yes sir, where I settled.
Q How long have you been settled there? A 24 years.
Q Are you acquainted with Phil and Percy Foster? A Yes sir.
Q Are they any relation to you? A Brothers.
Q Do their names appear upon the authenticated roll of 1880? A Yes sir.

Mr. McRea- I wish to ascertain if they are on the 1880 roll.)
Mr. Davenport: I object to his proving it by oral testimony though; the roll will show it.)
Commissioner: We will revert to the rolls.

A. S. McRea: You say you applied in 1880 at the same time as your brothers, Phil and Percy, for enrollment? A Yes sir.
Q Have you been denied of any rights of a Cherokee Freedman since you have lived in the Cherokee Nation? A No sir, not altogether I haven't.
Q Have you ever voted in the Cherokee Nation? A Yes sir. I voted; I am a legal voter.
Q How long since you cast your first vote? A Right up about thirty years, and may be longer than that. I voted for Chief Downing.
Q Do you aver that you have lived continuously in the Cherokee Nation since your return in 1866 up until now? A Yes sir.

The 1880 authenticated roll of the Freedmen of the Cherokee Nation examined and the names of the applicant's brothers are found thereon as follows:
Page 102, No. 1075, Phil Foster, Cooweescoowee Dist.

Commissioner: Is he alive? A Yes sir.
(Continuation of the 1880 roll for brother.)
Page 108, No. 1077, Percy Foster, Cooweescoowee Dist.
Q Are Phil and Percy Foster your full brothers? A Yes sir.
Q Same mother? A Yes sir, same mother and father.
Q Did they come back to the Cherokee Nation the same time you came?
A Yes sir, we come back and when I went down to Webbers Falls, that was when I went to my father's; he lived there then in '66, and I went there where he was.
Q Well, you came with a man by the name of Dobkins? A Yes sir.
Q Did Phil and Percy come with Dobkins? A No sir, they came back with the Foster's.
Q With their father? A Yessir, with their father.
Q With their father or stepfather? A Father.
Q How did it happen that you didn't come back with your father?
A Well I went to Texas with Nan Thompson and I was hired out just a little before the war time as a herder, and when the war broke out they sent me down to Texas after the breaking out of the war.
Q When you went to Webbers Falls did you find your two brothers there? A Yes sir.
Q With your father? A Yes sir.
Q Do you know how long they had been there? A They had been living down there ever since they come back until about 29 or thirty years.
Q You mean from now do you? A Yes sir, from now, they moved away about 29 or thirty years they moved away then.
Q Do you know how long they lived there when you first saw them?
A No sir, I don't know how long;it was in '66 though when I went down there.
J. S. Davenport: Bob, you say you were hired out when the war broke out? A Yes sir.
Q To whom was you hired? A To Johnson Thompson and Joe Martin, as a herder.
Q Where were they living when the war broke out? A On Cabin Creek near Grand River.
Q Where did you go when the war broke out to Texas you say? A Yes sir.
Q And the rest of the family all came back with Foster, but you came back with Dobkins? A Yes sir.
Q Where have you been living since the war? A I have been living there on Grand River.
Q All the time? A Except the time when I went to Webbers Falls and Gibson.
Q Well, haven't you lived somewhere else other than the Cherokee Nation since the war? A No sir.
Q You haven't lived with your family at all since since the war, have you? I mean your family, not your father alone, there was others of your family besdies your father? A No, I haven't lived with my family until I married.
Q How long have you been married? A 24 years.
Q Did you live with Phil and Percy ~~and your~~ and your father from the time you come back until you married? A No sir.
Q You never did live with them after the war, did you? A About three months, or one month or two.
Q You are now living on Grand River, Delaware District? A Yes sir.
Q How long have you been living there? A Ever since I come back; ever since I left the falls.
Q You have had a farm over there you say for 24 years? A Yes sir.
Q You never applied to any Commission to be admitted? A None but the Wallace and Clifton.
Q You didn't get on the Clifton? A No sir, I guess not; they couldn't find my name.

Case continued.

4- R. F.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in thiscase, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.

E. Rothenberger.

Subscribed and sworn to before me this 7th day of June, 1901.

Commissioner.

June 5th, 1901.

ROBERT FOSTER hearing continued. Preceding testimony taken by E. G. Rothenberger, Stenographer.

ANDERSON LYNCH, being sworn and examined by Commissioner C. H. Breckinridge, testified as follows:

Q Give me your full name? A Anderson Lynch.
Q How old are you? A 64 years old.
Q What is your post office? A Vinita.
Q How long have you lived in the Cherokee Nation? A I have been living here ever since I was born.
Q Were you out during the war? A Yes, sir.
Q Where were you during the war? A I went up into Kansas and backwards and forwards, a while in the service.
Q Well what time did you come back to the Cherokee Nation after the war? A Come in '65.
Q Are you on the roll of 1880? A Yes, sir.
Q Do you know Robert Foster, the applicant? A Yes, sir.
Q How long have you known him? A I have been knowing him ever since he was a little bitty small fellow.
Q Where did you first meet him after the war? A I met him on Grand river there on Cabin Creek, come to my house and stayed all night.
Q Where was his father at that time? A Some wheres about Webbers Falls.
Q He was on his way to Webbers Falls was he? A He was going down in that way somehweres, and he stayed all night and went on from there, I don't know where he went from there.
Q What do you know of him since that? A I know he come back and settled down in the neighborhood.
Q Near where you were living? A Yes, sir.
Q What do you know of him from that time to this? A All I know of him he was in the neighborhood.
Q Has he lived in your neighborhood ever since '65 or '66?
A Yes, sir, 20 years or more.
Q Do you mean the past 20 years? A Yes, sir.
Q That would carry him back to 1880 or thereabouts; now what do you know of him from 1865 or '66 up to 1880; this last 20 years, after he settled down; what do you know of him before he settled down? A I don't know.
Q So you really don't know anything about him between 1866 and 1880? A No, sir.

BY A. S. McREA, Attorney for Applicant:

Q Now, Mr. Lynch, had you ever seen him; now you see the time between '66 and '80, would be about 14 years; now, did you ever see him at different intervals of time during that period?
A I might have seen him; I never paid any attention; don't know exactly when I did see him.
Q Was that during the period of '66 to '80? A Yes, sir, it was over 20 years ago.
Q You have reference to telling down th the present time; we are not after that, we want to get between '66 and '80? A I don't know.
Q Did you ever see him after he returned back from Webbers Falls in 1866; did you ever see him after that? A Yes, sir.
Q Then what we are trying to get at I told you that there was a period of about 14 years from that until he settled? A Yes, sir.
Q Did you see him at any time during that interval?
A Yes, sir, he was around in the neigh orhood.
Q And has he lived continuously in the Cherokee Nation as far as you know ever since 1866? A Yes, right in the settlement, in the neighborhood down there.

BY MR. J. S. DAVENPORT, Cherokee Representative:

Q Did you know where his family was when the war closed? A No, sir; I don't know where they was.
Q Did you know this boy before the breaking out of the war?
A Yes, sir.
Q Where did he live when the war broke out? A He was living at the Contention place; he was living with Johnson Thompson.
Q And you know before the was he was living with Johnson Thompson?
A Yes, sir.
Q That was on Grand river in Delaware district was it?
A Yes, sir.
Q Then you next saw him; where was his father living when the war broke out? A He was living there on Verdigris somewheres about Foster's.
Q What part of Verdigris with reference to some point now?
A I don't know exactly where he was; Foster brought him out here.
Q Who was Foster? A He was a Foster is all I know.
Q Was he a white man or Indian? A He was a Cherokee.
Q Did you ever see him in your life? A Yes, sir.
Q What was his given name, do you know? A No, sir; I forgot it I did know.
Q How far do you live from where Foster lived when the war broke out? A He lived over on Verdigris and I lived on Grand river.
Q And you don't know how far it was? A No, sir.
Q And you don't know where Foster and his family were during the war A No, sir.
Q You don't know when they came back? A No, sir.
Q And the first time you saw Bob was ~~when~~ one time he came there to your house looking for his father? A Yes, sir, stayed all night with us.
Q You don't know whether Bob went to Texas or Kansas? A No, sir; I don't know.
Q You know anyway he come to your house from some place looking for his father? A Yes, sir.
Q Had he heard of his father before he come to your house?
A Yes, sir, he heard he was down in Bigson.
Q The fact of the business is all the Texas people come down to Gibson first didn't they, Crap? A I don't know.
Q You didn't go down there in '65, '66 and '67 when the Government was issuing rations to them did you? A No, sir.
Q This man was up here at your house looking for his father?
A Yes, sir.
Q Who lived in your neighborhood at that time?
A Simon and Al.
BY COM'R BRECKINRIDGE: Simon Who? A Lynch.
BY MR. DAVENPORT: Where was Dick Martin living then?
A I don't know.
Q Where was Joe Thompson? A Joe Thompson was not there as I know of.
Q Did you keep up with this boy and know where he lived?
A Shortly afterwards he come in that neighborhood and that is all I know about him.
Q For whom did he work over there in your neighborhood?
A He was working for Simon Lynch.
Q Didn't work for any Cherokees near the Lynch family?
A I don't know.
Q Was that about the old Joe Lynch place? A Yes, sir
Q Where was Lon at that time? A Lon was down below Tahlequah somewheres on his place.
Q And you say that this boy settled down a little over 20 years ago? A It mayb a little more than 20 years ago.
Q Do you know why he is not on the roll of 1880?
A No, sir.

Q You are the same Anderson Lynch that has been testifying for a good many of the cases? A I don't know; I have testified in a good many.
Q You are the only Anderson Lynch in your neighborhood?
A Yes, sir.
Q You are not the fellow that got that mule for testifying for a fellow? A No, sir.

ALLEN LYNCH, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Allen Lynch.
Q How old are you? A 61 years old.
Q What is yourpost office? A Vinita.
Q How long have you lived in the Cherokee Nation?
A I have lived here all my life

BY MR. McREA:

Q Mr. Lynch are you a Cherokee Freedman, on the authenticated roll of 1880? A I am.
Q Are you acquainted with the applicant, Robert Foster?
A Yes, sir.
Q Do you know where he was in 1866, after Christmas of 1866?
A Yes, I think the first time I saw him was down there at Crap's; no, that was in '67 I saw him.
Q What part of '67? A Along in the winter, somewhere along in the winter.
Q Wasn't after Christmas in '66? A Yes, sir.
Q Where did you say it was you seen him? A At Crap Lynch's.
Q Where is that? A On Cabin Creek.
Q Where is Cabin Creek, Cherokee Nation? A Yes, sir.
Q Did you ever see him any more after that time? A Yes, I seen him the next fall, I reckon it was; it was about a year, six months or a year, I saw him.
Q Where was that you saw him then? A Down at Guss Buffington's in the Cherokee Nation.
Q Have you seen him continuously since then in the Cherokee Nation?
A Yes, sir, he has been living there on the river.

BY MR. DAVENPORT:

Q You say it was in '66 you saw him, Al? A I think it was in '67.
Q That is your recollect it was in '67? A Yes, sir.
Q That is the first time you remember seeing him after the war?
A Yes, sir.

BY COM'R BRECKINRIDGE:

Q You say that six months or a year after you first saw him you saw him again? A Yes, sir.
Q Where was it you saw him the second time? A It was at Gus Buffington's; I don't know whether it was that short a time.
Q Are you kin to Anderson Lynch? A No, sir.
Q Do you live near Anderson Lynch? A Yes, sir; I live near him, well in fact we was born and raised on the same place, and I have lived near him ever since we have been here.
Q Have you lived near him since the war? A Yes, sir.
Q How far is Gus Buffington's from where you and Anderson Lynch lived? A Guss if two or three miles fro me and Anderson is about two miles.
Q Well, you saw Robert Foster along in the summer or fall of '67 and what was he doing there at Buffington's; was he working there?

A I think he was stopping and working for Buffington, I don't know.
Q Well what do you know about him since that? A I think he lived with Gus about a year.
Q well tell me now, just as distinctly as you can, what he has been doing ever since you see him here in '66? A He has been working around first one place and then another and has made him a little farm there in the bottom.
Q Well when did he make that farm? A I can't tell you when it was.
Q Was he ever married? A Yes, sir.
Q I want you to tell me something about him before he married.
A He was around about Gus' and Andy Frye's, and that is all I can tell you.
Q Was he living with Frye? A Yes, sir; If I recollect right he stayed with Gus a year and then he stayed one year or maybe two years with Andy Frye.
Q And what else do you know about him? A I don't know anything about him only that he w as around there in the neighborhood and still there yet.
Q How far does he live from you? A About five miles from me.
Q Now, during all this timexkkxk xxx do you think he has been living there in five miles fromyouk A Yes, sir; I dan't think he has been living more than ten miles from me since that.
Q Well now when was that? A Ever since '66 or '67, he come there to Gus' and he fx stayed there one or two seasons, farmed one or two seasons for Simon and farmed one or two years for old man Parnish.
Q Have you ever heard of him being out of the Cherokee Nation?
A Yes, sir; he has been out of the Cherokee Nation during the war?
A I mean since tk you first saw him there? A Not as I knows of/
Q Have you missed him for any length of time? A No, sir, nok long time that I know.

BY MR. DAVENPORT:

Q Allen, is his wife a Freedman or not? A Yes, sir.
Q Do you know when they were married? A No, sir, I don't; he was married twice you know.
Q Was his first wife a Freedman? A Yes, sir, she was old Uncle Reubin Daniel's daughter.
Q Well, is his second wife a Freedman? A Yes, sir.

ROBERT FOSTER, the Applicant, re-called:
BY COM'R BRECKINRIDGE:

Q After you saw your father down at Webbers Falls where did you go?
A Back up on Grand river.
Q Near what neighborhood? A Near the Lynch prairie.
Q Who who did you go with up there? A I just l i ved around with first one and then another.
Q Who did you s tart in with? A Started in with Gus Buffington and afterwards Andy Frye and Simon and all of them.
Q Have you ever been out of the Cherokee Nation after youe ame back here from Texas in 1866? A No, sir, I ain't been out to live.
Q Well where have you been? A I have been out to Missouri, South West City, that was two or three years ago, and stayed all night and come back.
Q Well where have you been at any other time out of theCherokee Nation? A I haven't been out.
Q Haven't been out at all? A No, sir.
Q Just that one time? A Yes, sir, been living here ever since except that little short period of time.
Q And how long out then? A Just a half day and a night.
Q Well, where did you live and who did you l i ve with down to the time you married and settled down after you got back from Texas?

Robert Foster, Con'd--5.

A I just lived with first one and then another, Gus Buffington, Andy Frye, George Lynch, Simon Lynch, Anderson Lynch.
Q What were you doing? A Farming.
Q Making crops? A Yes, sir.

COMMISSIONER BRECKINRIDGE: The applicant states that he has lived in the Cherokee Nation all his life except an absence during and little after the war. He claims to have returned to the Cherokee Nation in 1866. He was separated from his family at the time of the war, all of them apparently having been taken to the State of Texas, but he having been hired out in that state. He is now 52 years of age, consequently was a number of years under age at the time the war closed. He has two brothers who seemed to have returned with his father; they are living and are identified on the roll of 1880. His father has been dead 28 years, and consequently cannot be identified upon the roll of 1880. The applicant is identified on the Wallace roll and not upon any other. There seems to be no question about his having been a slave of a Cherokee citizen at the breaking out of the Civil War, and these two brothers who are identified on the roll of 1880 are his full brothers. It is shown with reasonable certainty that the applicant returned in the time required under the treaty of 1866, but if he did not, the fact that he was a minor at that time and it not being disputed that he returned before he reached his majority and his father with other members of his family did return, thereby establishing a family home in the Cherokee Nation within the required period, as indicated by the enrollments of his brothers, on the roll of 1880; this fact as indicated would give him such right as might pertain to a minor under the conditions stated. It is also established with reasonable certainty that he has made his home continuously in the Cherokee Nation ever since his return, presumably in the year 1866, from the State of Texas. It appears quite clear, therefore, that the applicant is entitled to enrollment at this tije and that his failure to be put upon other rolls than the Wallace roll has been in disregard of his rights, but for the further consideration of his case, he will at present be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will b made known to him at his post office address.

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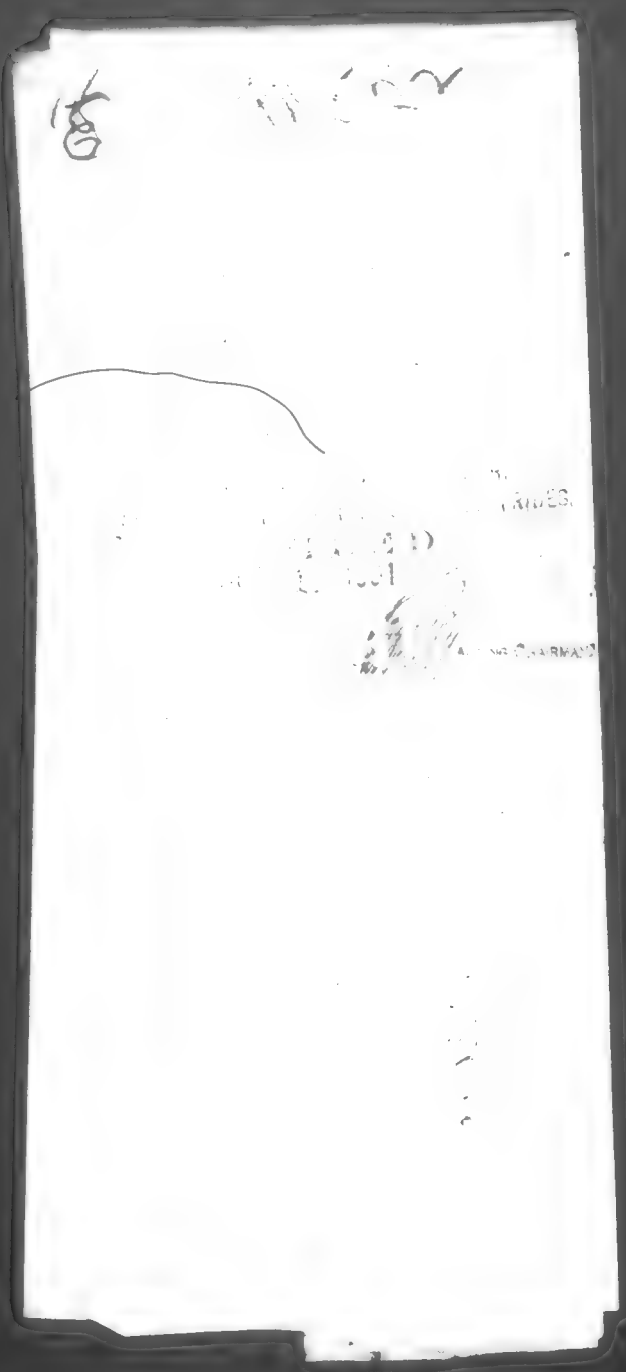
T. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 8th day of June, 1901.

Commissioner.



Supl.C.F.-D.#522.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 7, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollmeht of ROBERT FOSTER as a Cherokee Freedman, introduced on part of the Cherokee Nation:

APPEARANCES:
Mr. Bell, for Cherokee Nation:
S. W. Isaacs, for Applicant.

T. F. THOMPSON, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. BELL: What is your name? A T. F. Thompson.
Q Age? A About 53 years old.
Q What is your post office? A Vinita.
Q Well, this examination is on the application of one Robert Foster, Freedman, who claims to be or having been a Freedman in the Cherokee Nation and he claims citizenship here under the treaty of '66, and who formerly belonged to your father, that is formerly the slave of Johnson Thompson; are you acquainted with him? A Yes, sir, I know him.
Q How long have you known him? A I have known him ever since a few years before the war; I have known him ever isince 1858 I reckon.
Q Your father owned him did he? A Yes, sir.
Q Your father was a citizen was he of the Cherokee Nation?
A Yes, sir.
Q Do you know what become of him, or what become of Bob after he bought him? A Yes, sir, he let Mr. Hugh Tinnon have him of Arkansas, sold hik to Mr. Hugh Tinnon.
Q Who was Hugh Tinnon? A He was a citizen of Arkansas.
Q Awhite man and not an Indian? A Yes, sir, a white man.
Q Not a citizen of the Cherokee Nation? A No, sir.
Q About what time was this sale made, prior to the war or after the war? A Before the war.
Q Did you ever know anything about Bob after that? A Well I have known him since.
Q That is since the war? A Yes, sir.
Q Didn't know him during the war? A Yes, sir, I knew him during the war.
Q Where did you see him? A Mayesville, Arkansas.
Q He was still the slave of Hugh Tinnon? A Yes, sir.
Q About what time of the war was that? A That was along about '63.

MR. ISAACS: A How old are you, Mr. Thompson?
A I am 53 going on 54.
Q You say the applicant, Robert Foster, belonged to whom?
A Johnson Thompson, my father.
Q How long before the war was it that he belonged to your father?
A Well, two or three years before the war to my recollection; I don't know how long.
Q How old were you when the war broke out? A I was about 13 years old.
Q You say now, as a matter of fact, that Robert Foster, the applicant, belonged to your father? A He did before the war.
Q This same Robert Foster that applies here? A Yes, sir.
Q Well, do you know when he belonged to Elizabeth Foster? A No, sir, I didn't know him.
Q You don't know of his having belonged to her at all? A No, sir
Q How long was it before the war that he belonted to your father?
A Along in 1858 to the best of my knowledge, '58 and '59.
Q You say your father sold him? A Yes, sir.

Q How much was he sold for? A I don't remember.
Q To whom did your father sell him? A Hugh Tinnon, Arkansas.
Q How do you know that he sold him to Hugh Tinnon? A I seen him I reckon when he sold him.
Q what? A I happened to be there when he sold him.
Q Whereabouts was that? A Down here on Grand river.
Q Cherokee Nation? A Cherokee Nation.
Q Did Hugh Tinnon take him in his possession? A Yes, took him to Mayesville.
Q where did he carry him? A Mayesville.
Q Arkansas? A Arkansas.
Q How do you know he carried him to Mayesville? A Well, he was there afterwards, I saw him there afterewards.
Q Anyone else there he sold, just Robert? A Well he sold a girl too.
Q Who was the girl A She was a Mulatto girl.
Q Don't know her name? A No, I forget her name, he didn't have her bery long.
Q You remember Robert Foster but don't remember the girl's name?
A No, sir.
Q Why is it you remember Foster,s name and don't remember the girl' name? A Well I was with Bob and played together, playmates.
Q You were about 15 years years old you say, were you?
A No, 13 when the war came up.
Q Do you know his mother and father? A No, I don't know them.
Q Didn't know them? A No.
Q Well, did you know him before your father bought him?
A No, sir.
Q He bought him about '58? A Somewheres along there.
Q You were about 13 years old then were you not? A Yes, I was about 13 yearsold when the war came up.
Q Well, then, could you as a boy remember the fact that he sold Robert Foster and 40 years ago it appears to your mind now? A Yes, I remember it very well.
Q well, you saw sales of slaves executed at that time; I mean at the time you said your father sold this slave? A Well he just told Tinnon he could have him for so much money and he got it I suppose.
Q Was any Bill of sale given? A I don't know.
Q You said you were there when the sale was made? A Yes, sir'
Q on Grand river? A Yes, sir..
Q You saw the consideration paid for him did you? A No, I don't remember whether I saw that or not.
Q You don't remember whether you saw the money paid for him or not?
A No, sir'
Q You just saw him pass out of the hands of your father into the hands of someboyd else? A Tinnon.
Q Don't you think he was hired out instead of sold out? A No.
Q How do you say he was sold out you didn't see any money pass?
A That was what was said.
Q Who said? A My father said.
q When? A At the time he went home.
Q At the time the reported sale took place? A Yes, sir.
Q That is all you know about it? A I heard him say he was going to seel him and he went into the hands of this man that lived in Arkansas;
Q That is all you know about the sale? A Yes, sir.
Q Any one else witness to the transaction but yourself and your father and Bob? A No sir, my folks was all there, I got a younger brother that remembers all about it.
Q Name some of those people that remember all about it?
A J. A. Thompson, he lives here in town and my father, he is dead, and the balance of the family, they was small though.
Q Sale took place at your house, at your home? A Yes, sir, on

Grand river, old Ketchum place.
Q Your family was there? A Yes, sir.
Q No one else besides the family, the purchaser was all? A I believe so.
Q That was 42 or 3 years ago, you remember it ever since? A Yes, sir.
Q As a boy 13 years old you retained it in your mind ever since?
A Oh, yes.
COM'R NEEDLES: You say this boy, Bob Foster, was sold to your father? A He was sold to my father by Foster and father sold him to Hugh Tinnon, in Arkansas.
Q Was your father a citizen? A Yes, sir, citizen of the Cherokee Nation.
Q And he sold him to Hugh Tinnon? A Yes, sir.
Q Do you know whether Robert Foster had any brothers or sisters?
A No, sir, I do not.
Q You don't know whether he had any brother and sisters or not?
A No, sir
Q Did you know his father and mother? A No, sir.
Q Well, when was it he sold him to Hugh Tinnon, about what year?
A It was just prior to the war, I don't remember the date.
Q Was Hugh Tinnon a citizen of Arkansas, do you say?
A Yes, sir.
Q Did you know what become of Bob? A Yes, sir.
Q Did you ever see Bob afterwards? A Yes, sir, I saw him during the war and I saw him since the war frequently.
Q Where was he during the war when you saw him? A Saw him at Mayesville.
Q In Arkansas? A Yes, sir.
Q Where have you seen him since? A Here in Town.
Q Vinita? A Yes, sir.
Q Did you know of Tinnon ever seeling him to anybody?
A No, sir.
Q Did you know who Robert belonged to at the c/ose of the war, say in 1866, '65, you don't know who he belonged to then?
A No, sir
Q You don't know whether Tinnon had sold him to a citizen or not, after that? A No, sir.
MR. ISAACS: If this gentleman who bought him in Arkansas ever sold him to Mrs. Elizabeth Foster, who was in Texas during the war you don't know it do you? A No, sir.
COM'R NEEDLES: Did you know Elizabeth Foster? A No, sir
ISAACS: Do you know where she was during the war? A I don't know.
COM'R NEEDLES: Did you know a man by the name of Wiley Foster?
A yes, sir.
Q Where did he live? A He lived out on the Verdigris.
Q In the Cherokee Nation? A Cherokee Nation.
Q Did you know his wife, Elizabeth? A Yes, sir.
Q Do you know whether they ever owned any slaves or not?
A Well, I suppose they owned Bob, Wiley Foster.
Q They are the ones that sold him to your father? A Yes, sir.
Q Your father owned him after he belonged to Wiley Foster?
A Yes, sir.

Com'r Needles: This testimony will be filed with the papers in the case and will be made part of the record in case of Cherokee Freedman doubtful, #383.

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Supl..C.F.D.#522.--4.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission t o the Five Civilizee Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographi c notes thereof.

J. O. Rosson

Subscribed and sworn to before me this October 10th, 1901.

Commissioner.

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C.F. D-522.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 31, 1901.

In the matter of the application of Robert Foster for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
A. S. McRee, attorney for the applicant;
J. S. Davenport, ~~of counsel~~ for Cherokee Nation.

ROBERT FOSTER, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your full name? A Robert Foster.
Q How old are you? A 52.
Q What is your postoffice? A Vinita.
Q Are you the Robert Foster who made application for enrollment as a Cherokee Freedman on the 5th of last June, at Chelsea? A Yes, sir.
Q You are the son of Bob Foster? A Yes, sir.
By A. S. McRee: Mr. Foster, are you acquainted with one Mr. T. F. Thompson? A Yes, sir, I have seen him, I can't say thoroughly acquainted with him.
Q Did you ever belong to any Cherokee by blood other than Mrs. Elizabeth Thompson, or Mrs. Elizabeth Foster? A No, sir, not none bur Elizabeth Foster.
Q Were you ever sold? A No, sir
Mr. Davenport: You don't know T. F. Thompson, do you? A I slightly know him.
Q Which one of the T. F. Thompsons is it you know? A Mr. Tommy Thompson is the one I know.
Q Well, there is two Tommy Thompsons and two T. F. Thompsons, right here in town, which one is it you know, you can describe them by the family? A This Tommy Thompson I know was old Johnson Thompson's son.
Q Well, who was this Elizabeth Foster you say you belonged to?
A Mrs. Elizabeth Foster, wife of Wiley Foster.
Q Well, you knew Johnson Thompson's family, didn't you? A Yes, sir, I knew some of them, I didn't know them all.
Q You worked with Johnson Thompson a long time, didn't you? A Not a great while, I was hired as a hostler.
Q You worked for him; who else were you hired to as a hostler?
A That is all, just him.
Q Were you hired to Joe Martin as a hostler? A Yes, sir, I was hired to him too.
Q What ~~[illegible]~~ this man Dobkins you testified about in your original application? A Well that Dobkins I was only hired to him during the war, I wasn't hired with him, I just stayed with him.
Q You went away from this Cherokee Nation with Dobkins? A No, sir, I didn't.
Q You were with Dobkins in the State of Texas when the war came up?
A No, sir.
QQ When did you get with Dobkins? A '65.
Q Where was he when you got with him? A Choctaw Nation.
Q When did you go to Texas with him? A '65.
Q And you stayed there with Dobkins for quite a while?
A. S. McRee: I object to that, to anything on that line, by reason of the fact that is in the testimony in chief, and I don't think it is any new matter at all.
Commissioner: We have no time now to review the testimony in chief; it is very voluminous.
Q Well, you came back to this country with Dobkins? A Yes, sir.
Q Who was Dobkins anyway? A Just Hugh Dobkins.
Q He was a United States citizen was he? A Yes, sir.

Q And you went to Texas with him in '63? A Yes, sir, I was sent to Texas.
Q And came back with him? A Yes, sir.

Commissioner: This will be filed as supplemental testimony in the case of Robert Foster, Cherokee Freedman D-522.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 5th of November, 1901.

Commissioner.

A.F.Mc.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Joe Lynch, et al., as Cherokee Freedmen, consolidating the applications of:

Joe Lynch et al	Cherokee	Freedmen	D 376
Robert Foster,	"	"	D 522.
Hester Foster et al.	"	"	D 383
Arthur Lynch,	"	"	D 384
Cyrus Lynch	"	"	D 385.
John Lynch	"	"	D 386
Vina Benton et al.,	"	"	D 387
Nancy Curls et al.,	"	"	D 429
Rachel Downing et al.,	"	"	D 430
Martha Lynch et al.,	"	"	D 1077.

D E C I S I O N .

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Joe Lynch for himself and wife, Sophia Lynch, and minor children, Eliza, Cynthia J. (Jane), Randolph, Ruth and Jackson Lynch; by Robert Foster for himself; by Hester Foster for herself and minor children, James, Pearlie J. (Jane), Ethel J. (Jane) and Josephine Foster; thereafter, on October 30, 1902, there was filed with this Commission an affidavit showing the birth, on March 28, 1902, of Arthur Foster, child of the applicant, Hester Foster; by Arthur Lynch for himself; by Cyrus Lynch for himself; by John Lynch for himself; by David Benton for his wife, Vina Benton, and minor child, Stella Benton; by Nancy Curls for herself and illegitimate minor child, Lula Buffington; by Walter Downing for himself, and

wife, Rachel Downing, but as the said Walter Downing has been differently classified, his rights to enrollment will not be considered in this decision; thereafter, on June 12, 1902, there was filed with this Commission an affidavit showing the birth, on April 26, 1902, of Hurbert Downing, child of the said Walter and applicant Rachel Downing; and by Martha Lynch for herself and illegitimate minor children, Jessie M. (May) and Leo E. (Bennett) Lynch.

The record further shows that on March 5, 1904, this Commission rendered its decision herein denying said applicants, Joe, Sophia, Eliza, Cynthia J. (Jane), Randolph, Ruth and Jackson Lynch, Hester, James, Pearlie J. (Jane), Ethel J. (Jane), Josephine and Arthur Foster, Arthur and John Lynch, Vina and Stella Benton, Nancy Curls, Lula Buffington, Rachel Downing and Martha, Jessie M. (May) and Leo B. (Bennett) Lynch, the right to enrollment as Cherokee freedmen, and granting Hurbert Downing the right to enrollment as a Cherokee freedman, and that said decision was duly forwarded to the Department; thereafter, on July 21, 1904, on motion of the applicants, a rehearing in this case was ordered by the Department, and on September 20, and November 18, 1904, further proceedings in the matter of said applications were had at Muskogee, Indian Territory. The application of Cyrus Lynch for enrollment as a Cherokee freedman, was a part of the original record in this case, but through an oversight, his rights were not considered by the Commission in its said decision of March 5, 1904.

The evidence in this case shows that the applicants, Joe and Sophia Lynch, were the slaves of Cherokee citizens at the commencement of the rebellion, were taken from the Cherokee Nation during said rebellion, and it is not shown by satisfactory evidence that they returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation; that the applicant, Robert Foster, was, at the commencement of said rebellion, and for several years prior thereto, the slave of a citizen of the State of Arkansas; and that the applicants, Eliza, Cynthia J. (Jane), Randolph, Ruth and Jackson Lynch, Hester, James, Pearlie J. (Jane) Ethel J. (Jane), Josephine and Arthur Foster, Arthur, Cyrus and John Lynch, Vina and Stella Benton, Nancy Curls, Lula Buffington (after ample opportunity afforded, it is not established that the applicant, Lula Buffington, possesses any rights to enrollment as a Cherokee freedman through her father), Rachel Downing, Martha, Jessie M. (May), and Leo B. (Bennett) Lynch, were born since the commencement of the rebellion, are descendants of the said appli-

cants, Joe and Sophia Lynch and Robert Foster, and possess no rights to enrollment as Cherokee freedmen, other than as such descendants.

The evidence further shows that the minor applicant, Hurbert Downing, was born since 1896, has continuously lived in the Cherokee Nation since birth, and is a child of one Walter Downin , who is duly identified on the Cherokee authenticated tribal roll of 1880, and is included in a partial roll of Cherokee freedmen approved by the Secretary of the Interior, December 23, 1902, opposite No. 1921.

Except that the applicants, Joe, Sophia, Arthur, John and Martha Lynch, Robert and Hester Foster, Vina Benton, Nancy Curls and Rachel Downing, are identified on the Wallace roll, none of the applicants herein can be identified on any roll of the Cherokee Nation.

From the evidence herein and Cherokee Freedman enrollment cards No. D 429 and D 1077, it appears that one John Buffington is the father of the said applicant, Lula Buffington, and that one Watson Hicks, a Cherokee Indian, is the father of the applicants, Jessie M. (May) and Leo B. (Bennett) Lynch. But one John Buffington who could possibly be the father of the applicant, Lula Buffington, has applied to this Commission for enrollment, (See Cherokee Freedman D 558-R 271), and his application was denied, and said denial affirmed by the Department April 26, 1904. The records of the Commission fail to show that application has ever been made for the enrollment of anyone as a citizen of the Cherokee Nation, under the name of Watson Hicks. The correct names, as indicated by the testimony, of certain applicants herein, are enclosed in brackets.

It is, therefore, the opinion of this Commission, that, following the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D.514-04), William Rector (I.T.D.1468-04) Minnie Duncan, et al. (I.T.D.1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D.4230-04), Martha Albert, et al. (I.T.D.4732-04) and Moses Ross (I.T.D.6056-04), the applications for the enrollment of Joe Lynch, Sophia Lynch, Eliza Lynch, Cynthia J. (Jane) Lynch, Randolph Lynch, Ruth Lynch, Jackson Lynch, Robert Foster, Hester Foster, James Foster, Pearlie J. (Jane) Foster, Ethel J. (Jane) Foster, Josephine Foster, Arthur Foster, Arthur Lynch, Cyrus Lynch and John Lynch, Vina Benton and Stella Benton, Nancy Curls, Lula Buffington, Rachel Downing, Martha Lynch, Jessie M. (May) Lynch, and Leo B. (Bennett) Lynch, as Cherokee freedmen should be denied, under the provisions of section twenty-one of

the Act of Congress below noted; and that Hurbert Downing should be enrolled as a Cherokee freedman, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED) Tams Bixby
Chairman

(SIGNED) T. B. Needles,
Commissioner

(SIGNED) C. R. Breckinridge,
Commissioner

Dated at Muskogee, Indian Territory,

this JUN 16 1905

No. D 722

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

by delivering a true copy thereof on the

day of ..... A. D. 1901

Given under my hand this

day of A. D. 1901.

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the

day of , 1901.

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A.D. 1901

Subscribed and sworn to before me

this A.D. 1901.

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 17 1901

ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Robert Foster for enrollment as a Cherokee citizen:

Case No. D 522

To Robert Foster or A. C. McRea his Atty.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory,* Indian Territory, on Oct. 1st at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 1 0 1901

L B Bell

N. W. Harris

Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testi= mony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secre= tary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Mr. Robert Foster,
Vinita, I. T.
Cherokee-F-D-582.
Register.

FILED
1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Vinita I.T.

District Delaware

1. Name Robert Foster Age 52

Citizenship

Owner's name

Year Dawes Page 113 No. 2398 District Del

Parents:

Father Citizenship

Mother Eliza Foster — dead Citizenship

2. Name of wife Age

Citizenship

Owner's name

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by No. Stenographer E.G. Rothenberger

Reg. No. 3883

A.S. McAllen, atty. for applicant.

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, June 8th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony in the matter of the application of Robert Foster for the enrollment of himself as a Freedman of the Cherokee Nation.

Attorney for Applicant.

Cherokee F. #D522.

COPY

Cherokee Freedmen

D-522.

Muskogee, Indian Territory, June 16, 1905.

Robert Foster,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-22
Register

COPY.

Cherokee Freedmen
D-376, et al.

Muskogee, Indian Territory, June 16, 1905.

A. S. McRea,
Attorney for Joe Lynch, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of Hurbert Downing, and rejecting, among others, the applications for the enrollment of Joe Lynch, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED). Chairman.

Incl. S-31.
Register

5

Cherokee Freedmen
D-376, et al.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, granting the application for the enrollment of Hurbert Downing, and rejecting the applications for the enrollment of Joe Lynch, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Chairman.

Incl. S-33.

Cherokee Freedmen
D-376, et al.

Muskogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Joe Lynch, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, granting the application for the enrollment of Hurbert Downing, and rejecting the applications for the enrollment of Joe Lynch, et al., as Cherokee freedmen.

On July 21, 1904, the Department remanded this case for rehearing and readjudication.

Respectfully,

Chairman.

Incl. S-34.

Through the

Commissioner of Indian Affairs.

J.S.J.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

D.C.1778-1907
I.T.D.8180-1905.
8906- "
8529- "
8737- "
8739- "

January 4, 1907.

LRS.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

July 11, 1905, (Land 47227), the Indian Office submitted the record in the matter of the application for enrollment as Cherokee freedmen by Joe Lynch for himself and wife, Sophie Lynch, and minor children, Eliza, Cynthia Jane, Randolph, Ruth, and Jackson Lynch; by Robert Foster for himself; by Hester Foster for herself and minor children, James, Pearlie Jane, Ethel Jane, Josephine, and Arthur Foster; by Arthur Lynch for himself; by Cyrus Lynch for himself; by John Lynch for himself; by David Benton for his wife, Vina Benton, and minor child, Stella Benton; by Nancy Curls for herself and illegitimate minor child, Lula Buffington; by Walter Downing for his wife, Rachel, Downing, and his minor child, Hurbert Downing, and by Martha Lynch for herself and her illegitimate minor children, Jessie May and Lee Bennett Lynch, including the decision of the Commission to the Five Civilized Tribes dated June 16, 1905, favorable to Hurbert Downing and adverse to all the other applicants.

There appears to be no proper reason for granting said motion, and it is hereby denied.

The Department concurs in the recommendation made, and the Commission's decision is hereby affirmed.

The papers in the case, including said motion for review, have been sent to the Indian Office for its files.

Respectfully,

Thos Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

1 Inc. and 3 to Ind. Of.

Cher.Fr. R 915

Cher.Fr.R.915

Trans. from Cher.Fr.D 523

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 5th 1901.

In the matter of the application of Mary Norwood for enrollment as a Cherokee Freedman; she being sworn by Com'r Needles, testified as follows:

W. W. Hastings for the Cherokee Nation.

Lewis T. Brown agent for the applicant-

By Com'r Needles:

Q What is your name? A. Mary Norwood.
Q How old are you? A. 60.
Q What is your post office address? A. Coffeyville.
Q What district do you live in? A Cooweescoowee
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Have you ever applied for enrollment as a freedman of any other tribe or nation? A. No sir.
Q Who do you want to have enrolled besides yourself? A. Just myself.
Q Is your name on the roll of 1880? A. I dont know.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir

The 1880 and 1896 rolls of the Cherokee Nation examined and applicant not found thereon.

By L. T. Brown-

Q Were you a slave at the breaking out of the Civil war? A. Yes sir.
Q To whom did you belong? A. Eliza Markham
Q Was she a Cherokee citizen by blood? A. Yes sir.
Q Did you leave this country during the war? A. Yes sir.
Q Where did you go to? A. Kansas.
Q When did you come back to this country after the close of the war?
A When they was all coming back.
Q When was that, what year? A The year after the close of the war.
Q Do you know in what year it was that you returned to this country after the war? A. Joe Brown brought me back and they all said that it was in '66.
Q Since your return here in the year 1866, has the Cherokee Nation been your home ever since? A. Yes sir.
Q Do you own any farms on the public domain of the Cerokee Nation?
A Yes sir.
Q ~~Hast~~ Did the Cherokee authorities ever give you any permits to hire non citizens? A Yes sir.
Q Have you ever been admitted to citizenship by the Cerokee council?
A Yes sir.
Q When you went north during the war, who went with you? A. Went with the soldiers and lots of colored folks.
Q Who came back to this country with you when you returned in '66?
A Joe Brown brought me back and several others in wagons, I dont know who all.
Q Do you know a lady by the name of Mattie Martin? A. Yes sir.
Q Do you know her mother? A Nelly May.
Q Was she a slave? A. Yes sir.
Q Who did she belong to? A. Elsira May
Q Was Elsira May a citizen of the Cherokee Nation? A. Yes sir.
~~Q Did this Mattie Martin go north with you? A. Yes sir.~~
Q Did she go north with you? A. Yes sir.
Q Did she come back to the Cherokee Nation with you? A. No sir she died
Q Where did she die? A. In Kansas.
Q When was this Mattie Martin born? A. In '62.
Q Where? A. On Grand rive at old Mrs. Mays place.
Q Did she go north with you? A. Yes sir.
Q What became of Mattie Martin after her mother died? A. She came back

with me.

By W. W. Hastings:

Q Who did you belong to before the war? A. Eliza Markham.
Q Where did Eliza Markham live then? A. She lived on Grand river.
Q At what place on grand river? A. Three miles from the old salt lake.
Q In what direction? A. I dont know nothing about no directions
Q Was it towards the rising or the setting of the sun? A. I dont know that, I never paid no tention to no such things as that.
Q On which side of Grand river as this salt lake? A. On this side.
Q On the west side? A. I dont know I never been seeing nothing like the west side, I dont know nothing about that.
Q How old wereyou when the war came up? A. 22 or 3 or 4 something like that I guess.
Q Were you married then? Al Yes sir.
Q Had you any children then? A. Yes sir two.
Q What were their names? A. Sarah and Willie Markham.
Q Did you take these children with you up north? A. They died before I went up there.
Q What children did Eliza Markham have then? A. Bunk, Pete, Joe, and Jim and Ruthie.
Q Did you come back to the old Markham place after the war? A. No sir.
Q Why not? A. I didn't bring myself back.
Q That was right on your road wasn't it? A. I dont know nothing about waht way we come here.
Q Did you come through any towns on the road as you came back here?
A I seed some few houses some times, I dont know anything of any town t hough,
Q You was a grown woman then? A. Yes sir but I never understood nothin about no town and directions like you is asking me now.
Q Bou dont know anything about dates either do you? A. No sir.
Q You dont know what year you came back in do you? A. Only what people told me.
Q Only what people told you? A. Yes sir. I know when I went away from here and I know when I come back but I dont know nothing about no years and days and directions like you do. They told me that it was in 86 that I come back.
Q Bunk Markham was there when you ~~came~~? A. Yes sir.
Q He knows of that does he? A. Yes sir.
Q He knows when you come back dont he? A. Yes I reckon so,
Q How long after you come back until you saw him? A. Quite a while.
Q A year? A. More than a year.
Q Where did you ever see him after the war? A. I saw Bunk Markham in Wagoner.
Q How long after you come back? A. I dont know.
Q As much as five ~~years? A. I dont~~ know.
Q Well about howling? A. I dont know nothing about how long.
Q Was it a long time or a short time after you got back here? A. I dont know just how long it was, I cant say how long it was for I dont know.
Q Who did you one back with? A. Joe Brown.
Q Where is he? A. Dead.
Q Any body else? A. I dont know who all did come, there was several wagons along.
Q Where did you know Joe Brown before the war? A. Always knowed him.
Q Who did he belong to? A. Belonged to old Brown.
Q Where did he live before the war? A. On Virdigris river, some where.
Q You never saw him before the war did you? A. Yes sir I did.
Q Where did you see him? A. On Grand river.
Q You dont remember the people that came back with you? A. No sir.

Q Did you come through Vinita when you come? A. No sir.
Q Did you come through Wagoner? A. No sir there was no Wagoner there then. I was in Fort Gibson.
Q What place from Kansas did you come from? A. Fort Scott.
Q Do you remember any other place from Fort Scott to Fort Gibson? A. I dont know any others.
Q Who did you stop with when you were in Fort Gibson. ? A. With my uncle Anthony Rogers.
Q How long did you live there? A. Not long.
Q A week? A I dont know nothing about it.
Q How long did you stay around Fort Gibson? A I staid a good while.
Q A month? A. I dont know.
Q What is your best judgment? A A week or two weeks or three weeks maybe longer, maybe not as long, I dont know nothing about it.
Q About how far did your uncle stay from Fort Gibson? A. Staid a good ways.
Q Where did you go from there? A. To Russel creek.
Q Near Chetopa? A. Yes sir.
Q Who did you live with there? A. On the Old Col. Boudinot place.
Q What did you do there? A. worked.
Q Who for? A. Fuller was the man I worked for most.
Q How far from the town of Chetopa was this? A. 4 or 5 miles.
Q Where did you go from there? A. To Betsy Silverheels.
Q Where did she live? A. On the prairie.
Q Or Russel creek? A. Yes sir near there somewhere, on the prairie like
Q How far from the Boudinot place? A. I dont know.
Q How long did you work on the Boudinot place? A. A long time.
Q 2 or 3 years? A. Longer than that.
Q Well how long? A. A long time, I dont know how long.
Q Well after that then you went to the Betsy Silverheel place did you? Yes sir.
Q How long did you stay there? A. Staid there a long time.
Q About how long? A. I dont know.
Q What is your best judgment about it? A. A long time.
Q Was Col. Boudinot living there on his place then? A. Not there all the time.
Q He had a farm there did he? A. Yes sir.
Q You went from Fort Gibson up there? A. Yes sir.
Q And you had been 2 or 3 weeks at Fort Gibson? A Yes sir.
Q Where have you been living for the last ten years? A. In the Nation.
Q Where in the Nation? A. On Russel creek and at Silverheels and then I went to a little cabin on the hill and staid.
Q Who was living there? A. No one but me and my child.
Q What child? A. Mattie Martin.
Q Did you take Mattie with you on all these rounds that you have told of? A. Yes sir.
Q Did you have any neighbors around there? A. Yes sir there was some there I dont know who all though.
Q How far from any town was this little cabin on the hill that you say you lived at, and what town? A. Chetopa was the nearest I guess.
Q Was this cabin north of Chetopa? A. No sir.
Q What direction was it from Chetopa then? A. I dont know nothing about directions.
Q And yet you know it was not north? A. No sir it was not north.
Q You and Mattie Martin just staid up there by yourselves. What did you do for a living while you were living in that little cabin? A. Workes.
Q Who for? A. Every place I could get any work.
Q Have you ever been married? A. Yes sir.
Q Since the war I mean? A. Yes sir.

Q Who? A Norwood.
QWhere did you marry him? A. On the line.
Q In what town? A. On the line of Chetopa.
QWhat year were you married in? A. Dont know what year I married him in.
Q Well how long ago has it been since you married him? A. 15 or 16 yeears
Q Where is he living now? A. In the Nation.
Q Where? A. 6 miles from--south of Coffeyville.
QHow long has he been living there? A. All of thetime I have.
Q For 15 years? A. No sir--I said I have been married tht long.
Q Where did you live with him the first few years that you were married?
A On Russell creek.
Q On whose place did you live there? A. Just a house on the hill.
Q How long was it after you married that you left there? A. A good long while.
Q Was it as much as 2 or 3 years? A. Yes sir.
Q What did you do there for a living? A. Worked.
Q Who for? A. Any one that I could.
Q Mention some of their names? A. Col. Budinot, Bttie Silverheel and other folks for a while.
Q How far did you live from the line then? A. 4 or 5 miles.
Q Did you have a place on Russel creek? A. Yes sir.
Q A farm? A. Yes sir.
Q Wh did you sell it to? A. Mr. Lewis.

POLLY MEVINS, called and sworn as a witness for the applicant testified as follows:

By Com'r Needles:

Q What is your name? A. Polly Mevins.
Q How old are you? A 56.
Q What is your post office address? A. Fort Gibson.

By L. T. Brown-

Q Are you acquainted with the applicant here, Mary Norwood? A. Yes sir.
Q Do you know to whom she belonged at the beginning of the war? A.
Q She told me she belonged to Mrs. Markham.
Q Where did you ever see her for the first time after the close of the war? A At Fort Gibson.
Q When was that? A. When the refugees was drawing rations.
Q How long was it after peace was declared? A. I dont know, just after the close of the war t[illegible]
Q About how long after? A. I dont know.
Q ~~Xxxxxxxx~~ Do you know anything about when the treaty between the United States and the Cherokee Nation was made? A. I dont know when it was made, but I heard of the treaty.
Q You say you saw her at Fort Gibson though at the time the refugees were drawing rations there? A. Yes sir.

By Hastings:

Q How long did you see her there? A. Off and on for 2 or 3 months I guess .
Q Who was she staying with? A. With her uncle Anthony's.
Q Where was he living then? A. Right there in town. She came to my place and asked my for him and that is how I knew her, I told her where he was living and she went there.
Q How old are you? A. 57
Q You never knew her before the war? A. No sir.
Q She was a stranger to you after the war until you met her there? A. Yes sir.
Q How long after that did you see here again? A. It has been a long tim

Q You say you saw her for the first time some 35 years a go and that she was a stranger to you and yet you remember now of having seen her there, and know that this is the woman? A. Yes sir I know her.

By W. W. Hastings of the applicant:

Q You are living in Coffeyville now are you not? A. Yes sir.
Q How long have you lived there? A. Quite a little while, he has been working there. I has my home in the Nation though but goes up there to him.
Q You are keeping house up there? A Yes sir I have some things that I needs when I goes up to see him, but all my facts are in the Nation.
Q How long have you been keeping house up there? A I dont know.
Q As much as ten years? A. No sir not ten years.
Q 8 years? A. No sir.
Q Well what is your best judgment about it? A I reckon about 6 years .
Q What is your husband doing up there? A. Working in a livery stable.
Q And you say he has a crop in the Nation? A. Yes sir.
Q When did he ever make a crop in this Nation? A. He has one here now.
Q Did he put it in himself? A. Yes sir.
Q On Russell creek? A. No sir on Possom creek
Q Do you mean to say that he is working in Coffeyville in a livery stabl e and that he put in a crop here himself at the same time? A. Yes sir he comes down to Possom creek and put it in.

By L. T. Brown-

Q You own a farm on the public domain of the Cherokee Nation do you? A Yes sir.
Q You have never moved any of your effects from the Cherokee Nation? A No sir.
Q You say your home is six miles from Coffeyville in the Cherkee Nation? A Yes sir.
Q And that your husband has a crop there now? A. Yes sir

By Hastings-

Q You claim that your husband workes in Coffeyville and that he has a crop in the Cherokee Nation which he put in himself? A. Yes sir.

By the Commission:

Q What kind of a crop? A. Corn and beans.

JOHN BALDRIDGE, called and sworn as a witness for the applicant, testified as follows:

By the Commission:

Q What is your name? A. John Baldridge.
Q How old are you? A. About 70.
Q What is your post office address? A. Coffeyville Kansas.

By L. T. Brown:

Q Are you acquainted with the applicant, Mary Norwood? A. Yes sir.
Q How long have you known her? A. For years.
Q When did you see her for the first time in the Cherokee Nation after

the war? A. Saw her at Fort Gibson.
Q In what year? A In '66.

By Hastings:

Q Did you know her before the war? A. Yes sir.
Q Where did she live? A. In the Markham family.
Q How far from where you lived? A. 15 or 18 miles, they lived on Grand river and I on Illinois river.
Q Was you ever tried in any courts for any thing? A. I dnt remember
Q You dont remember? A. No sir.
Q Was you ever brought up for stealing at Claremore? A Was brought up once for hay permits and was convicted and paid my fine of $100.oo
Q Were you ever tried at Fort Smith? A. Yes sir.
Q What for? A. That dont have nothing to do with this case.
Q Have you ever been convicted of anything at Fort Smith? A. What has that to do with this case? If you has the constitution to ask me that I will answer it but if you has not, I wont. You knows you has not got the constitution to ask me that.
Q Them you refuse to answer it? A. Yes sir—if you has the constitution to ask me I will answer it.
Q How long did you see this woman before the war? A. I dnt know exactly the years.
Q How many years did she live in Fort Gibson? A. I dont know sir.
Q As much as ten years A. You people was to ratty for a person to stay there that long at that time.
Q About how long did this woman stay there after the war.? A I cant tell you exactly.
Q Well about how long? A. Over six months
Q Then where did you see her? A. Up on Russel creek? A.
Q How long did you see her ther? A. I dont know.
Q What place was she on up there? A. The old Budinot place.
Q Did she go from Fort Gibson up ther? A. Yes sir.
Q Who did she live with in Fort Gibson? A With her uncle Anthony.
Q But you dont know how long? A. No sir.
Q How much has she given you to testify for her? A. Nothing sir.

By the Commission

Q Was this woman a slave? A. Yes sir.
Q Who did she belong to? A. To the Markham family.
Q Are you a doctor? A. Yes sir.
Q And a preacher? A. Yes sir, and also an old soldier inthe late war. In the Injun Home Guard.

Kern Clifton roll examined and the applicant found thereon as follows Page 129, No. 3202, Mary Norwood, Cooweescoowee district.

Wallace roll examined and the name of applicant found as follows: Page 178 No. 3316, Mary Norwood, Cooweescoowee district.

By Com'r Needles,-

Mary Norwood applies for herself; she is not found on the authenticated roll of 1880 or 1896; she is duly identified on the Kern Clifton roll and the Wallace roll according to the page and number thereof, and makes satisfactory proof as to residence, and she will now be listed for enrollment as a Cherokee Freedman on a doubtful card to await the further consideration of the Commission. She will be notified by mail of the final decision of the Commission

* * * * * * * * * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the evidence in the

Norwood 7

mission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas Norwood

Subscribed and sworn to before me this the 8th of June, 1901 at Chelsea, I. T.

J. Bennett

Commissioner.

DEPARTMENT OF THE
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Mary Norwood C. F. D. 523

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October 26, 1901.

SUPPLEMENTAL TESTIOMNY in the matter of Mary Norwood, C. F. D. 523

Appearances:
W. W. Hastings for the Cherokee Nation
L. T. Brown, agent for the applicant.

WILLIAM RAY being duly sworn by Commissioner T. B.Needles, testified as follows for the Cherokee Nation-
(By Hastings)
Q What is your name? Q William Ray.
Q How old are you? A 63 past.
Q What is your post office address? A Garnett,Kansas.
Q I believe you have stated that you have been living at Garnett since '67 or '8? A Yes sir.
Q Where did you come from when you come to Garnett,Kansas? A From North Carolina.
Q Has that been your postoffice ever since? A Yes sir.
Q Did you know a colored woman at Garnett Kansas by the name of Mary Norwood or Marcum? A I was somewhat acquainted with her;I has seen her several times.
Q Where did you first know her? A In Garnett.
Q What was her name when you first knew her? A Mary Marcum.
Q Where did she come from when she come to Garnett? A I dont know, I was told that she come from Ossowotomy,Kansas.
Q When did she come there? A In the latter part of '70,some where in the '70's, I cant say what year, might have been before '75.
Q Is that your best judgment? A Yes sir.
Q Did she have any children? A Not as I know of.
Q Did her name continue to be Marcum or did she marry? A She married a man named Norwood.
Q Do you remember his first name? A No sir I have no recollection of it now; I may have heard it.
Q How long did she continue to live at Garnett after you knew her? A She lived there quite a while, it must have been about in '80 or close on to that.
Q About how many years? A 7 or 8 years ; she lived there until she married Norwood and shortly after that they left.
Q Did she keep house there? A Yes sir.
Q Do you know who lived with her, if anybody? A Her mother and her sister.
Q What was her mother's name? A Humphry I think. She was a very old woman.
Q What was her sisters name? A Eliza was what they called her.
Q Did she have a sister named Nellie? A Yes sir I think she has a sister named Nellie May.
Q Did you know her there in Garnett? A Who?
Q Nellie? A Yes sir.
Q What became of Nellie? A She lived there quite a while and then went back to Ossowotomy and then they taken her to the asylum.
Q What kind of an asylum? A Insane asylum.
Q Do you know if Nellie had any children or not? A There were two that were called her children,I dont know only what was told me.
(By L. T. Brown) I object to what was told.
(By Hastings)
Q What was their names? A Mattie was the girl and there was a boy his name I think was Albert, he went to the asylum.
Q To the Kansas Asylum? A Yes sir, I guess he went there I know he was taken to trial and they decided he was crazy; I didn't see him go.
Q Do you know what became of this Matty? A No sir I dont know,she

she left Garnett after having a child there.
Q What was that child's name? A Luther.
Q Do you know what name Mattie went by? A I think it was Mattie Martin
Q Do you know about when Mattie left there? A No sir.
Q Do you know where she went to from there? A Wichataw, I heard, I dont know.
(By L. T. Brown)
Q When did you first become acquainted with Mary Norwood? A Long in the '70's.
Q Was it '71 or '9? A Earlier than'79
Q What year was it? A It was along in between --it was not later than '75 I am certain.
Q Was it '74? A Somewhere between 72 and '4.
Q I believe that you said that soon after she married she left there? A Yes sir.
Q About how long after she married did she leave there? A Not long
Q Two months? A No sir sooner than that.
Q If she married in '74 and left soon after then she left in that year? A She didn't marry in '74'
Q When? A Later than that.
Q About when, was it as late as '79? A Mm It was in the later part of the '70's or in '80 I dont know,somewhere there in the 80 odd when she left.
Q You first became acquainted with her in '72 or '3? A Yes sir.
Q You dont know where they had lived prior to that of your own knowldge? A No sir.
Q You dont know where she was in '66? A No sir.
Q How long in your judgment did she live in Garnett? A She must have lived there 7 years, along there,Mr. Brown.
Q You have never been a witness in this case before? A Nosir
Q You have been a witness in a great many cases this tire ? A Where?
Q Here? A I have been called several times,yes sir.
Q This Nelly May you spoke of,you say she had a daughter? A I was told so.
Q What was her name? A Mattie.
Q And you also say that Mattie had a child? A Yes sir.
Q What was its name? A Luther.
Q How old was that child when Mattie left? A Not old.
Q Was it a year old? A I cant say.
Q Two? A I cant say.
Q You would not be willing to swear that it was two years old? A No sir.
Q You have remembered that child ever since have you? A I have occasion to remember that child because when he went to school there.
Q When was that? A Since then.
Q What year? A I dont know what year.
Q You have been testifying positively of years in other matters,dont you know what year it was? A No sir I haven't been positive as to years and I dont know this one.
Q Have you, since you have been here, heard read a copy of the evidence in this case? A I have heard several of them read.
Q Have you heard a copy of this testimony read? A I have.
Q Did you remember these facts before or after that testimony was read to you? A I remember the things I told all the years.
Q What I want to know is, did the reading of this testimony cause you to remember these facts or did you remember them before you heard the testimony read? A Before I heard it read.
Q You have remembered all these minor details have you during all this time? A I have remembered it as far as my knowledge taken me.
Q Do you remember when Mary Norwood was married, and if so did you remember it before you heard the testimony read? A Yes sir.
Q Did you remember that Nelly May lived with Mary Norwood until that testimony was read to you? A No sir the testimony wasn't read to me that they lived in the same house, but I remembers it.

(By the Commission)
Q He asked you if you remembered all these facts before the testimony was read to you or whether the reading of it brought it to your mind? A I remembered about it before.
(By Hastings)
Q You knew about Luther's birth? A I knew close about it.
Q Do you mean that you were not present personally? A Yes sir.
(By Brown)
Q You say Luther has been up there since he was a child? A Yes sir
Q What was he doing there? A Going to school

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This will be filed in Cherokee freedmen cases D-523, D-524 and D-525.

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Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein in.

Subscribed and sworn to before me this 8th of November, 1901.

Commissioner.

To be filed in F. D-523.
F. D-524.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 24, 1902.

In the matter of the application of Mattie Martin for the enrollment of herself as a Cherokee freedman.

Supplemental to D-524.

Appearances:
Lewis T. Brown for applicant.
W.W.Hastings for Cherokee Nation.

L. B. Bell, being first duly sworn, testified as follows:

Mr. Hastings: What is your name? A L. B. Bell.
Q What's your age? A 63.
Q What's your postoffice? A Vinita.
Q Mr. Bell, when did you return to the Cherokee Nation after the war? A In May, '67, I come into the country.
Q Do you know where Colonel Boudinot settled a place up near the line on Russell Creek? A Yes, sir.
Q When did you first have occasion to go up into that country?
A Well the first time I went up there was about '68, I wagoned for living, and I was hauling planks from the saw mills up into Kansas in '68, went right along there. Boudinot owned a place probably four miles out from Chetopa right down the M. K. & R. railroad, and on the south side of Russell Creek just where the railroad crosses the creek, he had a house right up on top of the hill.
Q When did he make that place? A He must have done that not earlier than '69. I knew nothing of his being there while I was passing along in '68, but in '70 I got a contract from that railroad that was being built at that time, the railroad had been graded down into the country some, and while I was looking after that sometime in the summer I stopped there at that place several times; a man by the name of Perry Fuller, who was a collector of the port of New Orleans under Andy Johnson, prior to that time, was stopping in there, and he was a business man, and I got acquainted with him; he come there that year sometime, built a house there, there was only a little cabin there; dug a well, moved there that year and went off about the next January.
Q What year do you say he come there? A Come there in '70 I think it was.

Mr. Brown: What's his name? A Perry Fuller.

Mr. Hastings: Youhave been to the town of Chetopa? A Yes, sir, I have been to Chetopa, in '68 the first time.
Q Well do you know from information when that town was started?
A Well the town there, in '66 is when the Osages vacated that country I think under treaty.

Mr. Brown: Do you know that? A I am giving it historically as I read it; the Osages lived in that country, I know that. I think when that first treaty with the United States, it might have been '65, but I think it was '66, and then,they vacated that country, and in '67 was the first ever I heard of Chetopa being there. Old Doctor Lyle lived there prior to the building of Chetopa; I know that to be a fact; he lived there before the war commenced.

Mr. Hastings: Any other staement you desire to make? A No, I don't know of anything else in that connection.

Mr. Brown: Where was Boudinot living in '66 and '7, if you know before you returned to the Cherokee Nation? A Well Boudinot was a sort of a wanderer, Mr. Brown; he never had any particular place of

residence; that was the first residence he took up, was right there at Russell Creek that I know anything of, first time Boudinot was in the Nation, saw them; in '66 he built a factory at Bent Prairie about two and a half or three miles right north of the present town of Southwest in McDonald County, Missouri.
Q Well now when did you go south? A Me?
Q Yes, sir?. A Well I don't know; I was in the army and we was a little north and south all the time, but I took my family south in '61.
Q And you returned in, '67? A I came back in May, '67,
Q Were you at Southwest City in '66, or where it now is? A Well I don't hardly think it was, because I was in Texas the entire year of '66.
Q Well, what you have testified to as to where Boudinot was in '66 is—? A Well I didn't say he was there in '66; I said it was '66 or '7 he built the factory there.
Q Do you know which it was? A I don't think he ever did get any permanent residence till he settled down here at Fort Smith.
Q Well now you couldn't say where he was during the time you were in Texas, could you? A No.
Q You wasn't up in that country in '67 and didn't go up in that country until '68 I believe? A Well I was in the State of Texas all of '66 except the month of December, the month of December I went through a part of Louisiana into Mississippi, and then back and up to St. Louis and back home, but then I wasn't here at all.
Q Now how often were you in Chetopa, Kansas, in the year '68? A Why I expect five or six or seven times, just about as often as I could haul that many loads of lumber up there; I hauled lumber two months I reckon; I would go by Chetopa when I didn't stop there to sell planks; went up as far as Erie with one load.
Q Now what buildings if any, were in Chetopa in the year '68? A In '68?
Q Yes, sir. A Why they was, old Spaulding had a building there; I sold lumber to him, and I think there was a little house there called the Valley Hotel, and there was a store or two; I couldn't tell just how many.
Q Were you there many times in the year '69? A Well I don't know whether I was there at all in '69.
Q You are positive that you were there five or six times in the year '68? A Well I must have been there, I hauled at least four loads of lumber there and sold it there and at Oswego and up still above that.
Q Chetopa at that time was a trading point for a great many people in the Territory was it not? A Well Chetopa was doing a good deal of trading as far down as I lived.
Q Now, Mr. Bell, you say there was only a few business houses there during that year? A That's my recollection about it.
Q While you may not remember the names you know of the business houses that were there during that time don't you? A Oh, well I don't recollect the names, except the banker, Spaulding.
Q Now was there a barber shop there during that year? A Well there was a place where we got whiskey.
Q Who run that place? A Well I don't know whether that was used as a barber shop or not, but then I could take a drink.
Q Well now who run that place? A I don't recollect; I had no particular acquaintance; I just rode in and sold my lumber.
Q If there was a barber shop there during that year you don't know it? A No, I couldn't undertake to say yes or no on that.
Q How far is Chetopa, Kansas, from the line of the Indian Territory?
A Well I figure it about two miles.
Q And the place that Boudinot settled on was west of where the

M. K. & T. railroad now is? A Well you might say that place was immediately on the road; it was up the creek, the house was up the creek, Mr. Brown, and up on top of the hill.
Q What time did the Osages leave the vicinity of Chetopa? A Well I don't know; they must have left in '66.
Q When you went to Chetopa in '68 there was several buildings there was there not? A Oh, yes, sir, there was a toen there, a man had a house there that called himself a banker.
Q You don't know when Chetopa was first built? A No, sir.
Mr. Hastings: Doctor Lyle was an old resident of that town, wasn't he? A Yes, sir, Dr. Lyle had lived there I expect, well beyond my recollection.
Q Do you know whether he testified as to when that town was established? A No, sir, I don't think he did; well I don't think I heard him testify; I heard him say that he sold the land to the town in '67, and they laid it out.
Q It was with particular reference to Perry Fuller, with whom this woman Mary Norwood claims to have lived in '66, that you only testify about? A That's all I knew anything about.
Mr. Brown: Objected to as leading. Now when did you first see Mr. Fuller? A Well Mr. Fuller, I saw him sometime in the summer of '70 I guess it was.
Q Where was Mr. Fuller living from the year '66 up to '70? If you know of your own personal knowledge? A Don't know a thing in the world of my own personal knowledge. I could tell what the newspapers said.
Mr. Hastings: What was he? A He was a collector of the port at New Orleans under Andy Johnson in '65 and '66 I think, maybe late
Q You never saw him around in that country until '70? A No. Never saw him up there until '70 I guess, I don't think that he was there until '70.
Mr. Brown: You wouldn't swear that he was not would you, Mr. Bell? A I wouldn't like to venture on swearing something which I didn't have certain knowledge of unless there was something more in it that there is in this.
Mr. Hastings: Well you have testified that you went along there and Boudinot didn't have a place in '68? A Wasn't any place there in '68 I think that it was about '69 that Boudinot settled there.
Mr. Brown: How do you fix the date? A Why I was along in that country in '68, and I was along in '70 and I found Fuller there living on the Boudinot place, I think it was '70.
Q Were you all up and down the Creek, Mr. Bell? A I was speaking then with reference to that place on the railroad.
Q That place right where the railroad now is? A Oh, yes, sir, where the railroad now is.
Q There's a hill right there isn't there? A Well there's a hill, I think the hill goes pretty near right up from the Creek, and it' one side of the road I guess.

Commission: This testimony will also be filed with and made a part of the record in the case of Luther Martin, D-525, who is also represented by Lewis T. Brown.

Arthur G. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the testimony and proceedings in the above case, and that the foregoing is a true and correct transcript of his stenonotes thereof.

Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of July, 1902.

P. G. Reuter,
Notary Public.

(Seal)

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he ~~[illegible]~~ made the foregoing and that the same is a true and correct copy of the original transcript.

Subscribed and sworn to before me this 18th day of July, 1902.

Notary Public.

Freed. D-523.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1903.

In the matter of the application of Mary Norwood for the enrollment of herself as a Cherokee freedman.

Commission: The Cherokee Nation by its representative makes satisfactory proof of service on the applicant that it would at this and place the Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, on the 30th day of May, 1903, or some day to day thereafter, until the same could be heard, introduce testimony tending to disprove her right to be enrolled as a Cherokee freedman. The applicant has this day, to-wit: the 31st day of May, 1903, been called and failed to respond either in person or by attorney.

W. W. Hastings: The Cherokee Nation asks that the testimony of J. M. Bell taken in freedman D-534 be made a part of the testimony in this case.

Commission: The request will be complied with and the testimony filed and made a part of the record.

W.W.Hastings: The Cherokee Nation offers also in evidence in this case a certificate showing that A. J. Norwood and Mary Smith were united in marriage on the 9th day of January, 1889, at Ottawa, Kansas.

Commission: The document will be filed and made a part of the record.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and correct transcript of his stenographic notes thereof.

B. L. Rothenberger

Subscribed and sworn to before me this 16th day of June, 1903.

[illegible]
Notary Public.

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COMMISSION TO FIVE TRIBES.

ever knew of. I have heard that she married in Garnett.

Q. How long did she continue to live in the neighborhood of Ossawatomie, Kansas after you got acquainted with her? A. I should think up to '75.

Q. Do you know who she married? A. I heard she married a man named Norwood.

Q. Do you know of your own knowledge where she went when she left Ossawatomie, Kansas? A. No sir.

Q. You got acquainted with her after you were mustered out of the service in '65, and she continued to live in that neighborhood until '75? A. Yes sir, I think she lived a while at Paoli.

Q. Did you know her mother? A. No sir.

Q. Did you know any of her family-- any of her sisters or brothers? A. I know a woman named Nellie May and one named Betsy Rider that I believe were relatives of hers.

Q. Where was Nellie May living? A. In an old farm house south of Ossawatomie.

Q. How long do you know that Nellie May continued to live around Ossawatomie? A. She was taken to the poor farm about 10 or 12 years ago.

Q. Did Nellie May have any children, to your own knowledge? A. No sir, not to my own knowledge.

Q. You say that Nellie May is still in the County? A. Yes sir, in Miami County, Kansas.

Q. You did not know the children of Nellie May, I believe you said? A. No sir, I didn't.

Q. Do you know whether or not she was married? A. I never knew of her being married there.

Q. Did you ever see or know this applicant, Mattie Martin? A. I think I have seen her.

COMMISSION:

Q. You say you knew Mary Norwood? A. Not by that name.

Q. When? A. In '65.

Q. What was she doing at that time? A. She was working for a family named Conner.

Q. Is that man, Conner, living? A. No sir.

Q. Any of his family living? A. I don't know.

Q. You can not be mistaken about this Mary Markham? A. I think not.

Q. Might not she have been away a year or two in 1866 and you not know it? A. I don't think she could. I think if she had been away, I would have known something of it.

Q. How near to her did you live? A. In '65 I was making my home with my mother, three miles south of Ossawatomie, in '66 I was living at Baxter Springs, but I passed this farm several times during the year---four or five times--- and I would see her.

Q. Did you see her every time you passed there? A. I cannot say I saw her every time.

Q. She lived in that neighborhood from '65 up until about '75? A. Yes sir.

Q. Was she married up there? A. Not that I know of. In '71 she worked for a man named McKibley. Dr.Conner sold his farm and went off into the eastern part of the country, and I think this woman stayed with his son, 10 miles southeast of Ossawatomie. I think she afterwards lived in Paoli, and in '71 a man named McDonally had a contract to put up part of the asylum, and she worked for the overseer, McKibley.

Q. Did you say that Nellie May is an inmate of the poor farm? A. Not now, I think.

Q. Do you know whether she had a child called Mattie? A. I

don't know whether it was her child or not. There was one named Mattie.

Q. You do not know whether it is this one or not? A. No sir.

Commission to applicant---

Q. Do you wish to ask witness any questions? A. No, for I don't know the man and he don't know me.

Q. You never saw him before? A. No sir, I didn't.

WITNESS EXCUSED.

J. M. Johnson, being duly sworn, testified as follows on behalf of the Cherokee Nation.

Mr. Davenport:

Q. What is your name? A. J. M. Johnson.

Q. What is your post office address? A. Garnett, Kansas.

Q. What is your age? A. I am 53 years old.

Q. How long have you been living in or near the town of Garnett, Kansas? A. 46 years.

Q. Do you live in town, or just outside the corporation? A. Just outside.

Q. How long have you lived that near the town? A. Since 1859.

Q. Since you have been living there have you got acquainted with a colored woman that went by the name of Mary Markham? A. Yes sir.

Q. When did you get acquainted with her? A. In '78 or '79.

Q. Do you know where she was living at that time? A. In Garnett.

Q. Do you know whether or not she afterwards married? A. She married a fellow by the name of Norwood.

Q. Do you know what his name is? A. I think it is A.J.

Q. He is a colored man? A. Yes sir.

Q. Do you know where they lived after they were married? A. Not personally, I don't know where they lived. They left Garnett after they were married.

Q. Have you any personal knowledge as to when they were married? A. The 9th. day of January, 1889.

Q. You had known Mary Markham all the time you lived there up to 1889? A. Yes sir.

Q. Did you know any of her relatives? A. Yes sir, she has a sister living there yet.

Q. What is her name? A. Eliza Humphreiss.

Q. Do you know any others of her relatives? A. Yes sir, one of her nieces, Mattie Martin, and Eliza Humphries' mother, old Mrs. Humphries, she died several years ago.

Q. Do you know whether or not Mattie Martin lived at Garnett? A. Yes sir, she did.

Q. Did you know her mother, Nellie May? A. I have heard of her, but never knew her.

Q. How long since you have seen Mattie Martin, or would you know her if you would see her? A. I think I would.

Q. Do you see her here? A. I think this is her on my right.

Q. Was Mattie Martin living in Garnett when Mary Markham and A.J. Norwood were married? A. Yes sir.

COMMISSION:

Q. Is there any question as to whether this is the person you

knew? A. No question at all.

Q. You knew her mother, Nellie May? A. I wasn't personally acquainted with her.

Q. The first time you got acquainted with Mary Markham was in 1899? A. Yes sir.

Q. You know nothing of her prior history? A. No sir.

COMMISSION to applicatn---

Q. Do you desire to ask witness any questions? A. No sir, I don't know him, and have nothing to say to him.

WITNESS EXCUSED.

The representative of the Cherokee Nation desires to introduce a certified copy of the marriage certificate of the marriage of A. J. Norwood to Mary Markham, dated January 5, 1889. The marriage purports to have been solemnized by one, Rev. John Brown at Garnett, Kansas, for the purpose of showing that in 1889 Mary Markham and A. J. Norwood were in Garnett, Kansas, and were married there.

The representative of the Cherokee Nation desires to introduce a certified copy of a deed from Elizabeth A. Ray and her husband, William Ray, to Mary A. Markham to property in Garnett, Kansas, dated the 17th. day of October, 1881.

The representative of the Cherokee Nation desires to introduce a certificate from the Registerar of Deeds of Anderson County, State of Kansas, showing that Mary A. Markham owns the property in Garnett, Kansas, lot three(3) in block fifty-nine(59), which is named in the deed heretofore introduced, and that she is now the owner of said property.

This case will be taken up again on March 13, 1905. After that hearing, the case will be closed.

Eula James Branson, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 7th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes, taken in said cause on said date.

Eula James Branson

Subscribed and sworn to before me this the 16th. day of March, 1905.

Myron Whitis

Notary Public.

FILED
MAR 17 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 13, 1905.

In the matter of the application for the enrollment of Mary Norwood et al., as Cherokee Freedmen, consolidating the applications of

Mary Norwood et al.,---- Cherokee Freedmen-D-523,
Mattie Martin ----------Cherokee Freedman-D-524.

On March 7, 1905 this case was held open for the purpose of giving the applicant, Mattie Martin, an opportunity to present further testimony on her own behalf on March 13, 1905.

On March 13, 1905 the applicant appeared in person but had failed to produce any witnesses.

Cherokee Nation represented by its attorney James M. Davenport.

The case is submitted on the record as now made up.

Eula Jeanes Branson, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 13th. day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson.

Subscribed and sworn to before me this the 17th. day of March 1905.

Myron White
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Mary Norwood et al. as Cherokee Freedmen, consolidating the applications of:

Mary Norwood,	Cherokee Freedman	D 523
Mattie Martin,	" "	D 524
Luther Martin,	" "	D 525.

D E C I S I O N.

The record in this case shows that applications for enrollment as Cherokee freedmen were made to this Commission by Mary Norwood for herself; by Mattie Martin for herself; and by Luther Martin for himself.

The evidence in this case shows that the applicant, Mary Norwood, and one Nellie May, deceased, were the slaves of Cherokee citizens at the commencement of the rebellion; that they were taken from the Cherokee nation during said rebellion, and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 4, 189 , in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation et al., for the return of Cherokee freedmen to said Nation; and that the applicants, Mattie Martin and Luther Martin, were born since the commencement of the rebellion, are descendants of the said Nellie May, deceased, and possess no rights to enrollment as Cherokee freedmen other than as such descendants. None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896.

It is, therefore the opinion of this Commission that the applications for the enrollment of Mary Norwood, Mattie Martin and Luther Martin, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman

Commissioner

Muskogee, Indian territory

JUN 1 6 1905

C. R. Breckinridge

Commissioner

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

[illegible] Lockwood,
[illegible], Tenn.,
[illegible] S.
[illegible] Inter.

WARRANTY DEED

THIS INDENTURE, made this 17th day of October in the year of our Lord One Thousand Eight Hundred and Eighty-one, between Elizabeth H. Ray and her husband William Ray of Garnett in the County of Anderson and State of Kansas of the first part, and Mary A. Marcom of the second part

WITNESSETH, That the said parties of the first part, in consideration of the sum of Ten DOLLARS, to them duly paid, the receipt of which is hereby acknowledged, have Sold and by these presents do GRANT AND CONVEY to the said party of the second part her heirs and assigns, all that tract or parcel of land situated in the County of Anderson and State of Kansas, and described as follows, to wit: Lot Three (3) in and of Block Fifty-nine (59) in the Town now city of Garnett with the appurtenances and all the estate, title and interest of the said parties of the first part therein. And the said Elizabeth H. Ray and husband do hereby covenant and agree that at the delivery hereof they are the lawful owners of the premises above granted, and seized of a good and indefeasible estate of inheritance therein, free and clear of all incumbrances.....

and that they will WARRANT AND DEFEND the same in the quiet and peaceable possession of the said party of the second part, her heirs and assigns FOREVER, against all persons lawfully claiming the same.....

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year last above written.

Signed, Sealed and Delivered in Presence of

Manford Schoonover

his
William X Ray (SEAL)
Mark

her
Elizabeth H. X Ray (SEAL)
Mark

Endorsed on back as follows:

STATE OF KANSAS, ANDERSON COUNTY, SS.

BE IT REMEMBERED, That on this 17 day of October A. D. 1881, before me a Notary Public in and for said County and State, came Elizabeth H. Ray and her husband William Ray to me personally known to be the same persons who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written. (L S)

(Signed) Manford Schoonover
Notary Public.

Com expires March 18" 1885

STATE OF KANSAS
ANDERSON COUNTY SS

I, J. M. Johnson abstracter within said County and State hereby certify the within and foregoing deed to be a correct copy of a deed Recorded in the office of the Regester of deeds of Anderson County Kansas in Vol. 30 of Deed at Page 374 Filed for record Oct 23 1883.

Given under my hand this 4th day of March 1905.

(Signed) J. M. Johnson
Abstracter.

Ex "B" C. F. D. 523

WARRANTY DEED

From _____ to _____

Entered in Transfer Reocrd in my office this _____ day of _____ 190

_____
County Clerk.

STATE OF KANSAS,
_____ COUNTY. SS.

This instrument was filed for Record in the office of the Register of Deed in and for said County on the _____ day of

_____ A. D. 190 at _____ o'clock _____M., and duly recorded in

Book _____ of Conveyances, at page _____ Fees,$_____

_____ Register of Deeds.

F. D. 523

FILED MAR 7 1905

COMMISSION TO FIVE TRIBES.

STATE OF KANSAS
ANDERSON COUNTY SS.

I, Fred H. Rhodes Register of Deeds within and for said County and State do hereby certify that Mary A. Marcom is the fee owner of Lot Three (3) Block Fifty-nine (59) in the City of Garnett Anderson County Kansas as shown by the Records in my office

Given under my hand and seal this 6th day of March A. D. 1905 9 A. M. (SEAL)

(Signed) Fred H. Rhodes
Register of Deeds

Endorsed on back as follows:

Ex. "C" F. D. 523

FILED MAR 7 1905

COMMISSION TO FIVE TRIBES.

Certificate of Marriage.

State of Kansas, Anderson County, ss.

I, the undersigned, a Rev. John Brown of Ottawa in said County, do hereby Certify, that in accordance with the authorization of the within License, I did, on the 9th day of January A.D. 1889, at the residence, in said County, join and unite in Marriage the within named A. J. Norwood and Mary Markham.

Witness my hand, the day and year above written.

Rev. John Brown.

-1132-

CERTIFICATE OF COPY

FORM 2.

PROBATE COURT,

OF

Anderson County, Kansas

DEPARTMENT OF THE INTERIOR
CLASSIFICATION
TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 4 1902

6676

CERTIFICATE OF COPY—Form 2—Probate Court. Saml Dodsworth Book Co., Legal Blank Publishers, Leavenworth, Kan.

State of Kansas,
Anderson COUNTY. } ss.

I, J. M. Higgins Probate Judge and ex-officio Clerk of the Probate Court in and for the County and State aforesaid, hereby certify the foregoing to be a true copy of Certificate of Marriage

in the matter of the marriage of C. J. Norwood and Mary Markham

as appears of record and now on file in this Court.

Witness my Hand and official seal this 26th day of May 1902

J. M. Higgins
Probate Judge.

F. D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

day of , 190 .

Attorney for applicant.

State of Kansas, Montgomery County, SS.

~~UNITED STATES OF AMERICA,~~
~~INDIAN TERRITORY,~~ } S. S.
~~NORTHERN DISTRICT.~~

I do solemnly swear that I delivered a true copy of the within notice to

Mary Norwood

on the 3rd day of March A. D. 1902

Shelly Ogden

Subscribed and sworn to before me this 3rd day of March, 1902.

Samuel McArtrey

Notary Public.

NOTICE!

IN THE MATTER OF the application of [illegible]

for enrollment as Cherokee Freedmen:

Case No. F. D [illegible]

To [illegible] ~~[illegible] L. T. Brown her attorney~~:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on [illegible] **at 8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible]

L. B. Bell

W. M. Hastings

Jas. S. Davenport

Attorneys for the Cherokee Nation.

AFFIDAVIT.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss
NORTHERN DISTRICT }

In the matter of the application of Mary Norwood for enrollment as a Cherokee Freedman.

No. F. D. 523

W. H. Martin ~~J. C. STARR~~, of lawful age, being duly sworn on oath states that on the 26 day of Feb, A. D., 1901, he registered to L. D. Brown whose postoffice is Vinita Indian Territory, a notice, a true copy of which is attached to this affidavit, ~~and he hereto attaches the receipt of the Postmaster at Indian Territory~~ and that on the 1st day of March, 1901, he received the return card which is hereto attached, signed by the said L. D. Brown, showing that he had received said notice.

W. H. Martin

Subscribed and sworn to before me on this the 1 day of March A. D. 1902

J. C. Clark
Notary Public.

F. D. 523

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190...

Given under my hand this ....

day of ..... A. D. 190...

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the

..... day of ....., 190... .

.....

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT.

I do solemnly swear that I delivered a true copy of the within notice to .....

.....

on the ..... day of ..... A. D. 190...

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

1

523

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 1 1902

NOTICE!

IN THE MATTER OF the application of Mary Norwood,
for enrollment as Cherokee Freedmen:
Case No. F. D. [illegible].
To Mary Norwood, or L. T. Brown, her Attorney:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on [illegible], at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [illegible].

R B Bell

N. M. Hastings

Attorneys for the Cherokee Nation.

F. D. 523

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the

day of A. D. 190

Given under my hand this

day of A. D. 190

Marshal for the Cherokee Nation.

I, the ~~undersigned~~ agent attorney for the within named applicant, hereby accept service of the within notice on this the 27 day of Sept, 190

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT } S. S.

I do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 27 1901

Acting Chairman.

NOTICE!

IN THE MATTER OF the application of Mary Norwood for enrollment as Cherokee Freedmen:

Case No. F. D 525

To Mary Norwood or L. T. Brown her Att.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Indian Territory, on Oct. 24th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this

L B Bell

W. W. Hastings

J. L. Davenport

Attorneys for the Cherokee Nation.

United States of America,

Indian Territory,

Northern District. SS

Nelson Lowrey of lawful age being first duly sworn on oath deposes and says that on the 21st day of May A. D. 1902 he mailed a registered letter to Mary Norwood at Corpeyville Kansas I. T. and that inclosed in said registered envelope was a notice, a true copy of which is hereto attached and he attaches hereto the registry receipt from the post Master at Muskogee I. T. and also he receipt on the 26th day of May A. D. 1902 the registry return receipt sign by the said Mary Norwood showing that the notice was duly received; which said Registry return receipt is hereto attached.

Nelson Lowrey

Subscribed and sworn to before me this 26th day of May 1902.

J C Starr

Notary Public.

3rd Term. My Commission expires May 22nd 1906.

May 21, 1902. Registered.

May 20, 1902 Mailed City Marshal Coffeyville.Ks

MAY 26 1902

NO. 4523

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
SOUTHERN DISTRICT, } ss.

do solemnly swear that I delivered a true copy of the within notice to

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the day of 190

Attorney for Applicant.

I, the undersigned agent for the within named applicant, hereby accept service of the within notice on this the day of 190

Agent for Applicant.

NOTICE.

In the Matter of the application of Mary Norwwood,
for enrollment as Cherokee citizens:

To Mary Norwood, Coffeyville, Kas.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May 30th, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this MAY 20 1902

W. W. Hastings
L. D. Bell

Attorneys for the Cherokee Nation.

No. F. D. 523.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 5 1903

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 5 1901

Post Office Tahlequah, Ind.

District Tahlequah

1. Name ..... Age .....

Owner's name ..... Citizenship .....

Year ..... Page ..... No. ..... District .....

JUN 5 1901

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

1a. Name of wife [illegible] Age [illegible]

Owner's name [illegible] Citizenship [illegible]

Year [illegible] Page [illegible] No. [illegible] District [illegible]

Parents:

Father ..... Citizenship .....

Mother ..... Citizenship .....

Names of Children:

Certificate

3. ..... Year ..... Page ..... No. ..... Dist. .....

4. ..... Year ..... Page ..... No. ..... Dist. .....

5. ..... Year ..... Page ..... No. ..... Dist. .....

6. ..... Year ..... Page ..... No. ..... Dist. .....

7. ..... Year ..... Page ..... No. ..... Dist. .....

8. ..... Year ..... Page ..... No. ..... Dist. .....

9. ..... Year ..... Page ..... No. ..... Dist. .....

10. ..... Year ..... Page ..... No. ..... Dist. .....

11. ..... Year ..... Page ..... No. ..... Dist. .....

12. ..... Year ..... Page ..... No. ..... Dist. .....

Application made by ..... Stenographer Chas. von Ahn

On Patent Card No. 3314, Tah. Dist.

Thomas B. Brown, Agent for applicant, P.O. Vinita, I.T.

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, June 13th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of June 5th, 1901, in the matter of the application of Mary Norwood for the enrollment of herself as a Freedwoman of the Cherokee Nation.

Louis T. Brown

Agent for Applicant.

Cherokee F. #D523.

Cherokee Freedmen
D-523.

Muskogee, Indian Territory, November 30, 1904.

Mary J. Norwood,

Coffeyville, Kansas.

Dear Madam:

The Commission is in receipt of your letter of November 26, asking that the Commission render a decision at an early date in the matter of your application for enrollment as a Cherokee freedman.

In reply you are advised that this case will be taken up in the near future. When a decision has been prepared you will be furnished with a copy.

Respectfully,

(SIGNED)
Commissioner in Charge.

COPY.

Cherokee Freedmen

D-5[illegible].

Muskogee, Indian Territory, February 16, 1905.

Mary Norwood,

Coffeyville, Kansas.

Dear Madam:

In the matter of the application for the enrollment of yourself as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not you returned to the Cherokee Nation within the time specified in the treaty of 1866, and, if no, whether or not you have since forfeited your rights to citizenship in the Cherokee Nation.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, March 7, 1905, and introduce testimony as above indicated. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire touching the points above mentioned.

Respectfully,

Register.

SIGNED: Tams Bixby Chairman.

COPY.

Cherokee Freedmen

D-5.[illegible]-124.

Muskogee, Indian Territory, February [illegible], 1905.

Louis T. Brown,

Attorney for Mary Norwood, et al.,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the applications for the enrollment of Mary Norwood and Hattie Martin as Cherokee freedmen, you are advised that before the Commission can render a final decision in these cases it will be necessary that further testimony be introduced tending to show whether or not the applicants returned to the Cherokee Nation within the time specified in the treaty of 1866, and, if so, whether or not they have since forfeited their rights to citizenship in the Cherokee Nation.

The applicants have, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Tuesday, March 7, 1905, and introduce testimony as above indicated. You are further advised that the Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire, touching the points above mentioned.

Respectfully,

(SIGNED). Tams Bixby.

Chairman.

Register.

Cherokee Freedmen

D-523.

Muskogee, Indian Territory, June 16, 1905.

Mary Norwood,

Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, the application for your enrollment as a Cherokee freedman. There has heretofore been furnished your attorney, Louis T. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby

Chairman.

Incl. S-86.
Register.

COPY.

Cherokee Freedmen

D-523, et al.

Muskogee, Indian Territory, June 16, 1905.

Louis T. Brown,

Attorney for Mary Norwood, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of Mary Norwood, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

(SIGNED) Tams Bixby

Chairman.

Ince. [illegible]9.
Register.

COPY.

Cherokee Freedmen

D-523, et al.

Muskogee, Indian Territory, June 16, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of Mary Norwood, et al., as Cherokee freedmen.

The decision, together with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

Incl. S-90.

(SIGNED). Tams Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-523, et al.

Muskogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Mary Norwood, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, rejecting said applications.

Respectfully,

Chairman.

Incl. S-91.

Through the

Commissioner of Indian Affairs.

(C O P Y)

Refer in reply
to the following

Land
47223;1905

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. June 23, 1905

The Honorable

The Secretary of the Interior.

Sir :

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 16, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Mary Norwood for herself; by Mattie Martin for herself; and by Luther Martin for himself.

June 16, 1905, the Commission decided adversely to all the applicants.

The record shows that Mary Norwood and one Nellie May, deceased, were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867 ; that the applicants, Mattie and Luther Martin were born since the beginning of the war, are descendants of Nellie May, deceased, and possess no rights to enrollment other than as her descendants. None of the applicants is identified on the 1880, authenticated Cherokee roll.

In view of the record the approval of the Commission's decision adverse to the applicants is recommended.

Very respectfully,

C. F. Larrabee
Acting Commissioner

.M.M.

W.

D.C. (COPY)

49215-1905
I.T.D. 7736-1905

Y.P.

L A S

DEPARTMENT OF THE INTERIOR, THE
WASHINGTON.

October 25, 1905.

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the applications for enrollment as Cherokee freedmen of Mary Norwood, for herself; of Mattie Martin for herself; and of Luther Martin for himself, including its decision of the same date, rejecting said applications.

Reporting June 23, 1905, the Indian Office recommended that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

(Signed) E. A. HITCHCOCK
Secretary

1 inclosure.

COPY.

Cherokee Freedmen

D-523.

Muskogee, Indian Territory, November 2, 1905.

Mary Norwood,

Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on October 25, 1905.

Respectfully,

(SIGNED).

Tams Bixby

LWB

Commissioner.

Cherokee Freedmen

D-523, et al.

Muskogee, Indian Territory, November 2, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 10, 1905, rejecting the applications for the enrollment of Mary Norwood, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 25, 1905.

For your information, there is inclosed herewith a copy of Departmental letter.

Respectfully,

Tams Bixby,

Commissioner.

Incl. S-75

Cherokee Freedmen

D-[illegible]3, et al.

Muskogee, Indian Territory, November 2, 1905.

Louis T. Brown,

Attorney for Mary Norwood, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the applications for the enrollment of Mary Norwood, Mattie and Luther Martin as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 25, 1905.

For your information, there is inclosed you herewith a copy of Departmental letter referred to.

Respectfully,

Commissioner.

Incl. S-700

Cherokee Freedmen
D 523

Muskogee, Indian Territory, August 30, 1906

George Campbell,

Attorney for Mary Norwood,

Coffeyville, Kansas.

Dear Sir:

This office is in receipt, on June 21, 1906, of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Mary Norwood.

Said motion will receive the proper consideration of this office, and be transmitted to the Department for action thereon at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, December 19, 1906

George Campbell,

Attorney for Mary Norwood,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that your motion for a rehearing in the Cherokee freedman case of Mary Norwood, has been this day transmitted to the Secretary of the Interior. You will be advised of the secretary's action when this office is informed of the same.

Respectfully,

L M B

Commissioner

Muskogee, Indian Territory, December 19, 1906

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion filed June 21, 1906, by George Campbell, Attorney at Law, Coffeyville, Kansas, for a rehearing of the Cherokee freedman case of Mary Norwood. No evidence is furnished of a copy of this motion having been served on the Attorney for the Cherokee Nation.

The decision of the Commission to the Five Civilized Tribes dated June 16, 1905, rejecting the application of, among others, Mary Norwood, for enrollment as a Cherokee freedman, was affirmed by the Department October 25, 1905 (I.T.D. 7736-1905).

There is no question of law or fact presented in this motion which has not heretofore been considered in connection with the case, and as the motion appears to be without merit, it is respectfully recommended that the same be denied.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner

Encl. B-96

COPY.

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,

Land.
85868-1905
111398-1906

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. January 19, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Bixby, dated December 19, 1906, transmitting motion for a re-hearing in the Cherokee Freedman case of Mary Norwood, filed with the Commissioner June 21, 1906, by George Campbell, attorney-at-law of Coffeyville, Kansas.

The decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application of Mary Norwood, among others, for enrollment as a Cherokee Freedman, was affirmed by the Department October 25, 1905 (I. T. D. 7736-1905).

No evidence accompanies this motion showing that it has been served on the attorney for the Cherokee Nation. No question of law or fact, which has not heretofore been considered in connection with the case, appears in the motion, and it is recommended that it be denied.

The record in the case is enclosed.

Very respectfully,

C. F. Larrabee,
Acting Commissioner.

AJW-D

Cherokee F
D 525

Muskogee, Indian Territory, February 16, 1907.

Mary Norwood,

Coffeyville, Kansas.

Dear madam:

You are hereby advised that the motion for arehearing in your Cherokee freedmen enrollment case, filed by your attorney Geo. Campbell, Coffeyville, Kansas, was denied by the Secretary of the Interior, January 25, 1907.

Respectfully,

HJC

Commissioner.

Cherokee
D 523

Muskogee, Indian Territory, February 16, 1907.

Geo. Campbell,

Attorney for Mary Norwood,

Coffeyville, Kansas.

Dear Sir:

You are hereby adivsed that the motion for a rehearing in the cherokee freedman enrollment case of Mary Norwood, filed by you, was denied by the Secretary of the Interior, January 25, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Encl.HJ-78.
HJC

Commissioner.

Cherokee F.
D 523

Muskogee, Indian Territory, February 16, 1907.

W. W. Hastings,
Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the motion for a rehearing in the Cherokee freeman enrollment case of Mary Norwood, filed by her attorney, Geo. Campbell, Coffeyville, Kansas, was denied by the Secretary of the Interior, January 25, 1907.

For your information there is enclosed herewith a copy of Departmental decision referred to.

Respectfully,

Commissioner.

Encl HJ-77.
HJC

Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. FHE.

D.C.6008-1907.
L.T.D. 1398-1907.
L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

In accordance with the recommendation in your letter of December 19, 1906, and Indian Office letter of the 19th instant (Land 111398-06), transmitting a motion for review in the Cherokee freedman case of Mary Norwood, said motion is denied. As stated by the Indian Office, it presents no new question of law or fact.

A copy of the Indian Office letter is inclosed. The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

(Signed) Thos., Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

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OF
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